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DOCTOR OF PHILOSOPHY

Going with the flow or swimming against the current?

The influence of rules and norms on advocacy strategies of NGO coalitions along the Mekong River

Yasuda, Yumiko

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Yumiko Yasuda

2014

University of Dundee

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Going with the flow or swimming against the current?

*~ The influence of rules and norms on advocacy
strategies of NGO coalitions along the Mekong River ~*

Yumiko Yasuda

Doctor of Philosophy

**Centre for Water Law, Policy and Science (under auspices of
UNESCO)**

University of Dundee

May 2014

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Declaration

I, the candidate, hereby acknowledge:

- (a) I am the author of this thesis;
- (b) Unless otherwise stated, all references cited have been consulted;
- (c) The work of which this thesis is a record has been done by the candidate;
- (d) The work has not been previously accepted for a higher degree.

_____ Date _____

I, the supervisor, hereby acknowledge that the conditions of the relevant Ordinance and Regulations have been fulfilled.

_____ Date _____

Executive Summary

Nongovernmental organisations (NGOs) have come to play a major role in contemporary governance systems, and particularly in the fields of water and the environment. Adopting a new institutional theoretical perspective, this thesis examines how rules and norms affect the advocacy strategies of coalitions of NGOs in Vietnam and Cambodia, utilising a comparative case study analysis of the Xayaburi hydropower dam planned on the Mekong River in Laos. The comparison was conducted between the Rivers Coalition in Cambodia and the Vietnam Rivers Network during the planning period for the dams in 2011-2013.

The main findings of the study is that rules, norms, actors, biophysical and material conditions interact with each other in creating influence over advocacy strategies. Different patterns of interactions were identified; these are 1) complementary interactions between formal rules, informal rules and norms 2) competing interactions between formal rules, informal rules and norms. Actors play important roles in both of these forms of interactions. Through identification of the barriers and opportunities NGO actors face within the Mekong region, the thesis concludes with two recommendations: 1) modifications to the formal rules which could facilitate further integration of NGOs and civil society actors into decision-making processes of transboundary water governance and 2) use of analytical framework by NGO and civil society actors in identifying windows of opportunities for advocacy strategies.

List of legal instruments cited

The purpose of this list is to provide names of legal instruments cited in this thesis. The list is divided into international and national legal instruments. For legal instruments with long names, short names are provided unless otherwise indicated. The thesis will refer to the short name in citations, in the interests of brevity.

International instruments

1963

Vienna Convention on the Law of Treaties. Adopted 23 May 1969, entered into force 27 January 1980. 1155 United Nations Treaty Series 331 (Vienna Convention)

1975

Joint Declaration of Principles for Utilization of the Waters of the Lower Mekong Basin, signed by the representatives of the governments of Cambodia, Laos, Thailand and Vietnam to the Committee for Coordination of Investigations of the Lower Mekong Basin. Signed at Vientiane on 31 January 1975. (1975 Mekong Joint Declaration).

1991

Convention on Environmental Impact Assessment in a Transboundary Context. Adopted on 25 February 1991, entered into force on 10 September 1997. (Espoo Convention).

1995

Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin. 5 April 1995. (Mekong Agreement).

1997

Convention on the Law of Non-Navigational Uses of International Watercourses. Adopted on 21 May 1997, not yet entered into force. Reprinted in (1997) 36 ILM 700. (Watercourses Convention).

1998

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Adopted

on 25th June 1998, entered into force on 30 October 2001. 2161 UNTS 447; (1999) 38 ILM 517. (Aarhus Convention).

2003

Procedures for Notification, Prior Consultation and Agreement. Approved by the 10th meeting of the MRC Council on 30 November 2003. (PNPCA).

2005

Guidelines on Implementation of the Procedures for Notification, Prior Consultation and Agreement. Adopted on 31 August 2005 by the 22nd meeting of the MRC Joint Committee in Vientiane, Lao PDR. (PNPCA Guideline).

National instruments (Cambodia)

1992

Provisions Relating to the Judiciary and Procedure Applicable in Cambodia during the Transitional Period. Decision adopted by the Supreme National Council of Cambodia on 10 September 1992. (UNTAC Criminal Code).

1993

The Constitution of the Kingdom of Cambodia. 1993. (Constitution of Cambodia).

1995

Law on the Press. 1995.

2001

Law on Commune/Sangkat Administrative Management. 2001. (Law on Commune Management).

2005

Law on Senate Election. 2005.

2006

Amended Law on Elections of Commune Councils. 2006.

2007

Law on Water Resources Management of the Kingdom of Cambodia. 2007. (Law on Water Resources Management).

2008

Law on Elections of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council. 2008. (Law on Sub-National Council Election).

The Civil Code of Cambodia. 2008.

2009

Penal Code. 2009. (Penal Code, Cambodia).

2011

Law on Associations and Non-Governmental Organizations (3rd Draft). 2011. (LANGO 3rd Draft).

National instruments (Vietnam)

1992

1992 Constitution of the Socialist Republic of Vietnam: As Amended 25 December 2001. (Constitution of Vietnam).

Decree 35/HTBT of 28 January 1992 of the Council of Ministers on Establishment of non-profit and science and technology organization. (Decree No. 35-HDBT).

1995

Decision No. 860-TTg of 30 December 1995 of the Prime Minister on the Function, Tasks, Powers and Organization of the Apparatus of the Vietnam Mekong River Committee. (Decision No. 860-TTg).

1999

Law on Vietnam Fatherland Front. No. 14/1999/QH10 of June 12 1999. The National Assembly.

Penal Code. No. 15/1999/QH10 of 21 December 1999. The National Assembly. (Penal Code, Vietnam).

Law on Media. No.12/1999/QH10 of 12 June 1999. The National Assembly.

2001

Law on Organization of the Government. No. 32/2001/QH10 of 25 December 2001. The National Assembly.

2002

Decree No. 81/2002/ND-CP of 17 October 2002 of the Government on detailing the implementation of a number of articles of the science and technology law. (Decree No. 81/2002/ND-CP).

Decision 22/2002/QD-TTg of 30 January 2002 of the Prime Minister on the activities of consultancy, judgment and social expertise by Vietnam Union of Scientific and Technical Associations. (Decision No. 22/2002/QD-TTg)

2003

Decree No. 88/2003/ND-CP of 30 July 2003 of the Government on providing for the organization, operation and management of associations. (Decree No.88/2003/ND-CP).

2006

Regulations of Vietnam Union of Science and Technology Associations. Issued jointly with the decision No 650/QD-TTg, 24 April 2006 of the Prime Minister of the Socialist Republic of Vietnam "Approval the Regulations of Vietnam Union of S-T Associations." (VUSTA Regulation).

2009

Regulation on management and use of foreign nongovernmental aid promulgated by Decree No.93/2009/ND-CP of 22 October 2009 of the Government . (Regulation on the use of aid from INGO).

2012

Decree No. 30/2012/ND-CP of 12 April 2012 of the Government on the organization and operation of social funds and charity funds. (Decree No. 30/2012/ND-CP).

Charter. The Vietnam Union of Science and Technology Associations. (VUSTA Charter).

National instrument (Other jurisdiction)

2005

Charities and Trustee Investment (Scotland) Act. 2005.

List of abbreviations

Aarhus Convention	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
ADB	Asian Development Bank
AMRC	Australian Mekong Resource Centre
ASEAN	Association of Southeast Asian Nations
BAED	Buddhist Association for Environmental Development
B&M condition	Biophysical and material condition
CARD	Council for Agriculture and Rural Development
CBD	Centre for Biodiversity and Development
CBO	Community Based Organization
CCC	Cooperation Committee for Cambodia
CED	Community Economic Development
CEO	Chief Executive Officer
CEPA	Culture and Environment Preservation Association
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CIVICUS	World Alliance for Citizen Participation
CNMC	Cambodian National Mekong Committee
COP	Conference of Parties
CPP	Cambodian People's Party
CPV	Communist Party of Vietnam
CRDT	Cambodian Rural Development Team
CSO	Civil Society Organization
CSRD	Centre for Social Research and Development
ECAFE	United Nations Economic Commission for Asia and the Far East
Eco-Eco	Institute of Ecological Economy
EGAT	Electricity Generating Authority of Thailand
EIA	Environmental Impact Assessment
ERU	Equitable and Reasonable Utilization
EU	European Union
FACT	Fisheries Action Coalition Team
ForWet	Research Centre of Forest and Wetlands
FPIC	Free Prior and Informed Consent
GMS	Greater Mekong Sub-region
GONGO	Government-Organized NGOs
IAD framework	Institutional Analysis and Development framework
ICEM	International Centre for Environmental Management
ISH	Initiative on Sustainable Hydropower
IR	International Rivers
IUCN	International Union for Conservation of Nature
JC	Joint Committee
LANGO	Law on Associations and Non-Governmental

	Organizations
LMB	Lower Mekong Basin
LNMC	Lao National Mekong Committee
MLN	Mekong Legal Network
MoI	Ministry of Interior
MONRE	Ministry of Natural Resources and Environment
MORWAM	Ministry of Water Resources and Meteorology
MoU	Memorandum of Understanding
MRC	Mekong River Commission
MW	Megawatt
NGO	Nongovernmental Organizations
NMC	National Mekong Committee
PNPCA	Procedures for Notification, Prior Consultation and Agreement
QUANGO	Quasi autonomous NGO
RCC	Rivers Coalition in Cambodia
SEA	Strategic Environmental Assessment
SIA	Social Impact Assessment
STM Coalition	Save the Mekong Coalition
TAN	Transnational Advocacy Network
TERRA	Towards Ecological Recovery and Regional Alliance
TNMC	Thai National Mekong Committee
ToR	Terms of Reference
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNFCCC	United Nations Framework Convention on Climate Change
UNTAC	United Nations Transitional Authority in Cambodia
VFF	Vietnam Fatherland Front
VNGO	Vietnamese NGOs
VNMC	Vietnam National Mekong Committee
VRN	Vietnam Rivers Network
VUSTA	Vietnam Union of Science and Technology Association
WARECOD	Centre for Water Resources Conservation and Development
WCD	World Commission on Dams
WWF	World Wide Fund for Nature
1995 Mekong Agreement	Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin.
1997 UN Watercourses Convention	Convention on the Law of the Non-navigational Uses of International Watercourses
3SPN	3S Rivers Protection Network

Chapter 1: Introduction

1.1 Background and justification of the study

1.1.1 Roles of NGO actors in environmental governance

While government refers to the formal administration at any given level of power, mostly through political and administrative departments, governance is seen as the ‘art of coordinating administration actions between different territorial levels’ (Saunier 2007: 149), and this includes the participation of stakeholders such as civil society and business interests. There are various definitions of the word ‘governance’; the Dictionary and Introduction to Environmental Governance defines governance as a

‘concept describing the way power is exercised in the management of a country’s economic and social resources through application of responsibility, participation, information availability, and the rule of law’ (Saunier 2007: 149).

The European Commission defines governance as ‘rules, processes and behaviour that affect the way in which power is exercised’ (European Commission 2001: C287/5) and the World Bank defines governance as ‘traditions and institutions by which authority in a country is exercised’ (Kaufmann, Kraay, and Zoido-Lobaton 1999). Rhodes refers to governance as self-organizing, inter-organizational networks which has characteristics of being inter-dependent between organizations, engage in continuous exchange of members’ knowledge and resources, and being autonomous from and not accountable to states (Rhodes 1996: 660). Kjær (2011) criticizes Rhode’s approach, claiming that defining governance narrowly to networks rules out other variations of governance, and considers a network as one type of governance (Kjær 2011). The common thread which runs through these definitions is the fact that governance refers to how the society is managed, and how power is exercised for this purpose. In summary, governance can be defined as a way decision making and power is exercised within various societies, as well as the rules in place and the way institutions interact with each other (Hooper 2005; Strydom Wilma 2007; Gooch 2007; Saunier 2007; European Commission 2001; Rhodes 1996; Kaufmann, Kraay, and Zoido-Lobaton 1999). In essence, understanding governance is about understanding institutions and their

interactions. Understanding governance also implies understanding networks and the role of nongovernmental actors.

Nongovernmental organizations (NGOs) have increasingly become important agents in environmental governance (Florini and Simmons 2000; Betsill and Corell 2008). The engagement of NGOs in this field escalated particularly after the United Nations Conference on Human Environment in 1972 (Betsill and Corell 2008: 1). Agenda 21, the milestone policy document adopted by the United Nations Conference on Environment and Development (UNCED) in 1992 formally recognized NGOs as important partners in the move to sustainable development (Chapter 27 United Nations 1992). The role of NGOs can be seen at different administrative and geographical levels, including local, national and international levels (Keck and Sikkink 1999; Florini and Simmons 2000).

NGOs often represent actors dependent on the direct use of natural resources; these actors are often impacted by alterations of resource use through development activities (Bruch 2005: 23). Their engagement in decision-making processes over the use of environmental and natural resources could potentially benefit the subsequent management and governance of such resources (Bruch 2005: 23). Decision-making without consideration of these actors' views, often represented through an NGO, could result in negative consequences when decision-makers face protests or public scrutiny over their decisions (Bruch 2005: 24). NGOs, therefore, constitute an essential aspect of the governance of the environment and natural resources, and understanding their strategies and behaviours enriches our knowledge and understanding in the field of governance.

The presence of NGOs and other interest groups could potentially create and enhance either a pluralist or corporatist society (Almond et al. 2004: 69), allowing wider groups in society to engage in governance. This could gradually facilitate a move away from an elitist model of governance to a more participatory style. NGOs often express the interests of people who are not well represented in the policy-making arena (Charnovitz 1997: 274), playing a role as 'bottom-up brokers.' Ebbesson (2007) claims that NGOs are often granted special rights to represent civil society, as opposed to individual actors, networks and social movements that are generally disregarded (Ebbesson 2007: 689). NGOs and civil society actors are

therefore often considered as essential pillars in promoting transparency, accountability and other aspects of ‘good governance’ (Edwards 2004b: 15). Advocacy through civil society is a potential way of promoting policy change towards democratic governance (Fox and Helweg 1997: 8).

NGOs often provide technical information related to the subject of debate, as a way of providing input to the policy making process. Many NGOs are capable of delivering technical expertise on particular topics that government officials need. Government officials can also benefit from this technical expertise through receiving rapid feedback from NGOs on controversial ideas (Charnovitz 1997: 274). NGOs with technical expertise are also capable of contributing to the scientific assessments needed by policy makers, such as the Millennium Ecosystem Assessment, a process initiated by the United Nations Secretary General in order to assess the consequences of ecosystem changes for human well-being (Millennium Ecosystem Assessment 2005; Gemmill and Bamidei-Izu 2002: 11). This role of intelligence provider also supports improved environmental governance as politicians and decision-makers may gain alternative ideas from NGOs, which would not have been available through normal bureaucratic channels (Charnovitz 1997: 274).

1.1.2 NGOs as promoters of rules and norms

NGOs can also play an important role in promoting the rules and norms¹ associated with environmental governance. Some environmental NGOs are allowed to be present at negotiations on global environmental agreements, where state representatives are the main actors. While NGOs do not have official negotiating power which state delegates have, NGOs can play important complementary roles to state delegations since NGOs represent important civil society groups and can attempt to integrate their proposed norms into the negotiating table (Betsill and Corell 2008: 3). A large number of NGOs gather at Conferences of Parties (COP) of multilateral environmental agreements, and may hold side events promoting various issues associated with the theme of COPs (UNFCCC 2011). At times, these NGOs also network with each other to join their voices in a

¹ Detailed definition of rules and norms will be discussed in chapter 2.

common cause. For example, during the negotiations of the Kyoto Protocol under the United Nations Framework Convention on Climate Change (UNFCCC), over 280 NGOs created the Climate Action Network (CAN) in order to coordinate their access and participation in the COPs (Betsill 2008: 46).

Monitoring states' compliance to law and regulations is another role which NGOs may play (Charnovitz 1997: 274; 2006: 354; Gemmill and Bamidei-Izu 2002). NGOs often raise awareness of state and company violations of legal requirements through filing a complaint or making a claim to a court or authority. If the procedure within a country does not allow an NGO to directly file a complaint, the NGO may provide advice to an individual or an organization which has a right to do so (Bombay 2001: 229). Some NGOs were specifically set-up to undertake this task of monitoring compliance to international agreements (Gemmill and Bamidei-Izu 2002: 12). For example, originally established as a specialist group within the International Union for Conservation of Nature (IUCN), TRAFFIC is an NGO with particular focus on monitoring and taking action against wildlife trade restricted under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (TRAFFIC 2008). Also, the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) Article 15 stipulates a compliance committee which monitors states' compliance to the Convention (Article 15 Aarhus Convention 1998). NGOs participate in this compliance committee. Monitoring of legal compliance can be a resource intensive activity, and engaging NGOs who voluntarily monitor compliance, can positively result in saving public resources.

NGOs also play roles as norm entrepreneurs and norm developers (Finnemore and Sikkink 1998). Norm play important roles in a society due to their function of creating a common understandings of issues, as well as facilitating the emergence, the adoption and the implementation of new policies and laws (Brown et al. 2000: 20). Referring to NGOs' role as norm entrepreneurs, Brown et al (2000) explain that NGOs are often in close contact with vulnerable populations with less voice within a society (Brown et al. 2000: 20). Norm entrepreneurs are groups or individuals who are able

to influence the acceptance, rejection, or development of specific norms (Finnemore and Sikkink 1998). Koh (1998) maintains that NGOs play an important role within a process of development of norms as norm entrepreneurs. Finnemore and Sikkink (1998) discuss the importance of the framing and interpretation of norms by norm entrepreneurs, influencing the acceptance of norms by society (Finnemore and Sikkink 1998: 896-897). Referring to the roles of NGOs as norm entrepreneurs, Finnemore and Sikkink (1998) also suggest that the promotion of norms often requires some type of organizational platform, particularly at international levels. NGO networks can play key roles as they are often part of such platforms (Finnemore and Sikkink 1998: 899).

1.1.3 Influence of rules and norms on NGOs

While NGOs attempt to influence rules and norms, rules and norms also affect NGOs. For example, the Aarhus Convention (1998) provides a framework for public right of access to information and participation in the decision-making process. Certain countries establish official mechanisms for public participation, such as public complaint processes or inspection panels. The establishment of citizen enforcement actions allows citizens to take legal action to enforce environmental laws (Casey-Lefkowitz et al. 2005: 568; Hunter 2005: 637). These rights may be either formulated as a constitutional right, under specific provisions in environmental law, or in accordance with administrative or civil codes (Casey-Lefkowitz et al. 2005: 568; Hunter 2005: 637). A more collaborative approach in some countries obliges governmental institutions to engage citizens in monitoring their environmental performances (Casey-Lefkowitz et al. 2005: 566). As an example, in the U.S. some citizen organizations initiated harbour watch programmes to identify oil spills and other emissions in local harbours (Casey-Lefkowitz et al. 2005: 566). Finally, citizen inspection is a method in some countries whereby government agencies contract with groups or individuals to serve as public inspectors (Casey-Lefkowitz et al. 2005: 567).

In contrast, other rules and norms restrict the activities of NGOs. As an example, human rights NGOs in Uganda conduct self-censorship when working with sensitive issues, in order to avoid confrontation with the authorities (Ghosh 2009: 483). Ho (2007) suggests that for environmental

activism to survive and gain legitimacy in the Chinese restrictive context, they have to be structurally embedded through having ‘self-imposed censorship and a conscious de-politicization of environmental politics’ (Ho 2007: 189).

These examples indicate that rules and norms affect the way NGOs formulate certain actions and strategies. Thus, understanding the influence of rules and norms on NGO actors provides important insights into how NGO actors can contribute to promoting participatory governance. However, compared to the large number of existing studies discussing the ways NGOs attempt to influence rules and norms, studies attempting to understand the influence of rules and norms on NGOs are few and far between.² A better understanding of this influence will help fill a significant gap in existing academic knowledge. In addition, a better understanding of these mechanisms will also provide useful insights for NGOs themselves, leading to enhanced understanding of the linkages between their actions and the rules and norms within which they operate. Ultimately this may lead to improved governance of environmental and natural resources. NGOs may form coalitions in order to improve their effectiveness in these processes. For the purpose of this thesis, coalitions are defined as networks of NGOs and other civil society actors sharing broader strategic goals, beyond a single issue and with the ambition to conduct joint actions.

1.2 Objectives and a research question

Recognizing the importance of understanding how rules and norms can potentially influence the activities of NGOs, this thesis aims to examine and analyse how this influence occurs. Through this understanding, this thesis will identify the opportunities and barriers NGO actors are facing in their activities. In particular, the thesis will examine how rules and norms affect the advocacy strategies of NGO coalitions.

The focus on coalitions and advocacy strategies was particularly chosen since NGO actors focussed on advocacy tend to be in conflict with the authorities, as compared to service-sector NGOs who tend to collaborate

² The details of literature on influence of rules and norms on NGOs will be discussed in chapter 2.

with the authorities (Ohanyan 2012). Advocacy NGOs are important actors in governance as their focus is to advocate policy change which may affect the resource use.

Besides the academic objectives outlined above, the thesis also has an ambition to contribute to NGO actions that are more informed about rules and norms affecting them. In order to achieve these objectives, this thesis aims to answer the following research question:

How do rules and norms influence the advocacy strategies of NGO coalitions?

1.3 Structure of this thesis

This thesis consists of three parts. Part I introduces the research design and consists of two chapters. The first chapter in this section (chapter 2) provides a theoretical overview and analysis of the research field applicable to this thesis' research area. This overview and the analysis are used to identify the research methodology, discussed in the second chapter of this section (chapter 3). The thesis adopts a comparative case study approach in the analysis of the advocacy strategies of two NGO coalitions in Vietnam and Cambodia in SE Asia. The focus of these NGO strategies is on the Xayaburi hydropower dam, located on the Mekong River in the Lao PDR. By comparing the advocacy strategies of two NGO coalitions working under different rules and norms in different countries, the case studies highlight how difference in rules and norms can influence advocacy strategies.

The analytical framework developed in chapter 2 provides the structure for the thesis's analysis. This framework identifies five key components of analysis in order to answer the research question: these are 1) biophysical and material conditions 2) rules and norms 3) actors 4) interactions and 5) strategies. These components guide the structure of the rest of this thesis.

Part II of the thesis analyses the first three components: biophysical and material conditions (chapter 4), rules and norms (chapter 5) and actors (chapter 6). The analyses of three components feed into the analyses of the

remaining two components in order to answer the research question on how rules and norms affect strategies of NGO coalitions.

In Part III of the thesis an analysis is conducted of how these three components interact and of how strategies are developed. Strategies adopted by NGO coalitions during the consultation process of the Xayaburi hydropower dam are first identified in chapter 7; here four types of strategies depending on target audiences of the advocacy have been identified. Subsequent chapters (chapters 8-11) compare NGO coalition strategies and how the first three components identified in part II interact in determining these strategies: Chapter 8 analyses strategies targeting Mekong regional decision makers; chapter 9 analyses strategies targeting national decision makers; chapter 10 analyses strategies targeting stakeholders in potential affected areas; and chapter 11 analyses strategies targeting the general public. The conclusions of the thesis analysis are presented in chapter 12.

PART I: RESEARCH DESIGN

Chapter 2 Theoretical overview

2.1 Chapter introduction

This chapter provides an overview and analysis of existing theoretical approaches used in the analyses of NGOs' advocacy strategies. These include approaches examining the influence of rules and norms. This section leads to the identification of the methodology used for this thesis, which is then discussed in chapter 3. As discussed earlier, the focus of this research is on understanding how rules and norms influence the advocacy strategies of NGO coalitions. The chapter therefore discusses existing theoretical approaches used to understand how rules and norms affect actors' behaviours and concludes with a discussion of key issues identified in the literature that are used as a basis for developing the specific analytical approach of the thesis.

2.2 Understanding rules and norms

Rules and norms are the central concepts used in this thesis. These terms are used in different ways by different disciplines. For example, the word 'norm' is used in a similar way to 'rule' in legal disciplines, and these terms are often used to define each other: Black's Law Dictionary defines rule as 'a general norm mandating or guiding conduct or action in a given type of institution' (Garner 2004: 1357), and the Dictionary of Law (1998) defines 'norm' as 'an authoritative standard or rule of behaviour' (Curzon 1998: 257). In sociology, the term 'norm' has less formal status than 'rule' and is defined as 'expectations about appropriate conduct which serve as common guidelines for social action' (Abercrombie, Hill, and Turner 2000: 243) or 'a shared expectation of behaviour that connotes what is considered culturally desirable and appropriate' (Scott and Marshall 2005: 451). The authors of the latter definition recognize the similarities of these terminologies, but distinguish between rules and norms. Norms are similar to rules or regulation in being prescriptive, although they lack the formal status of rules.

Ostrom (2005) provides a definition of rule as 'shared understandings by participants about enforced prescriptions concerning

what actions (or outcomes) are required, prohibited, or permitted (Ostrom 2005: 18). Ostrom refers to Black's (1962)'s four classifications of how 'rule' is used in everyday conversations namely: regulations, instructions, precepts, and principles, and claims her definition of rule is based on this understanding of 'regulations' (Ostrom 2005: 16; Black 1962). Rules in relation to regulation refer to the fact that rules are 'announced, put into effect, enforced, disobeyed, broken, rescinded, changed, revoked, and reinstated' (Ostrom 2005: 19). Ostrom's concept of rules was developed based on her studies of communities and their use of resources, usually within well-defined boundaries. Thus, the focus of the rules in her study is focused on 'rules in use' defined as 'the set of rules to which participants would make reference if asked to explain and justify their actions to fellow participants' (Ostrom 2005: 19). Concepts such as 'culture' or 'value' that provide principles for guiding participant's actions are not integrated into her definition of rules, but rather included as 'attributes of the communities' (Ostrom 2005: 27) in her framework of analysis.³

Williamson (2000), who is one of the founding scholars of new institutional economics, does not provide specific definitions of rules and norms. However, he provides definitions of different levels of institutions which include norms and rules. As the primary concern of institutional economists is in understanding humanly devised constraints that affect economic transactions (North 1991: 97-98), Williamson (2000)'s categorization of an institution is based on the type of transactions it engages in, as well as its frequency of change, as illustrated in Table 1 below (Williamson 2000). The first level is the informal institution, which is embedded in society, including customs, traditions, norms, and religions. This level of institution is typically formulated over one hundred to one thousand years (Williamson 2000: 596-597). The second level is institutional environment, which refers to the formal rules (constitutions, laws, property rights), as well as instruments for governance including executive, legislative, and bureaucratic functions of government, and the distribution of power across government. Williamson (2000) claims that institutions at this level take ten to one hundred years as a possible cycle of

³ Ostrom's framework will be discussed in later section of this chapter.

formulation and change (Williamson 2000: 597-598). The third level of institution is the institution supporting economic governance, such as contracts. The cycle for change at this level is one to ten years (Williamson 2000: 579-599). The final level relates to the actual economic transaction activities regulated through all levels of institutions described above, including employment, price, quantities and incentives, where changes occur on a continuous basis (Williamson 2000: 597).

Table 1: Economics of institutions

(Source: Adopted from Williamson 2000: 597)

Level of institution	Type of institution (except level 4 which refers to economic transaction activities)	Frequency of change	Relevant theory
1	Embeddedness: Informal institutions, customs, traditions, norms, religion	100-1000 years	Social theory
2	Institutional environment: Formal rules of the game, especially property (polity, judiciary, bureaucracy)	10-100 years	Economics of property rights, positive political theory
3	Governance: Play of the game, especially contract (aligning governance structures with transactions)	1-10 years	Transaction cost economics
4	Resource allocation and employment (prices and quantities; incentive alignment)	Continuous	Neoclassical economics, agency theory

Williamson (2000) argues that higher levels of institutions impose constraints on the institutions immediately below them (Williamson 2000: 596). This would mean that norms, which are part of first level institutions, constrain formal rules, which are part of the second level. Williamson (2000) does not provide a specific location where informal rules are found in his categorisation (Williamson 2000). However, as rules are one of the key components of institutions identified by new institutional scholars, informal rules can be considered as part of informal institutions which are included in the first level of institutions.

Ostrom and Williamson's definitions allow us to consider both norms and rules as principles which guide actors' behaviour. Norm applies to wider concepts including culture and values, whereas rules tend to have more focused applicability to specific target groups. This thesis defines

norm as the ‘shared expectations and guiding conduct of behaviour that are considered appropriate within the given society’.

Rule is defined as a principle regulating practice or procedure within a given society. Rules can be formal or informal (Lowndes 1996: 193). Lowndes (1996) argues that

‘Formal rules are consciously designed and clearly specified – as in the case of written constitutions, contractual agreements, property rights, the terms of reference and standing orders of committees, and so on. Informal rules are not consciously designed or specified in writing-they are the routines, customs, traditions and conventions that are part of habitual action’ (Lowndes 1996: 193).

The word formal refers in this respect to ‘following established procedural rules, customs, or practices’ (Garner 2004: 678) or ‘suitable for or expected on formal occasion’ (Allen 2000: 551). Formal rules include laws, regulations, policies, as well as, in this case, rules formally adopted and codified by NGO coalition members. Law is defined as ‘the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them’ (Garner 2004: 900) or ‘the written and unwritten body of rules largely derived from custom and formal enactment which are recognised as binding among those persons who constitute a community or state’ (Curzon 1998: 215). In essence it is a type of rule that is often adopted through legislative body of the country. The relationship between law and norms is important to consider, as suggested by legal theorist Hans Kelsen in his ‘pure theory of law,’ which discusses that laws are norms, and ‘a society’s legal system is made up of its norms, and each legal norm derives its validity from other legal norms’ (Garner 2004: 1086). In other words, law is often created or adopted when a norm is adopted by the society as it reaches an internalization process, where the norm is accepted by society (Finnemore and Sikkink 1998: 895). The term ‘law’ and ‘regulation’ are used similarly as law is a ‘rule of conduct formally recognized as binding or enforced by authority’ (Allen 2000: 792) and regulation is ‘a rule or order, having legal force, usually issued by administrative agency’ (Garner 2004: 1311). The word policy in the context of public policy is used as the ‘general principles by which a government is guided in its management of public affairs’ (Garner 2004: 1196). This definition positions policy as a type of rule which is the

‘principle regulating practice or procedure, a dominant custom or habit’ (defined earlier) which specifically guides a government in its management of public affairs. Therefore, policy can be considered as part of ‘rule’ in a broad context. This thesis uses the terminology of ‘formal rule’ to mean ‘the rules which are established through recognized or official process’.

The term ‘informal’ is defined as ‘not done or made according to a recognized form, irregular, unofficial, unconventional’ (Brown 1993: 1364). Therefore, informal rule in this thesis refers to ‘rules established without official process that are applicable to the given society.’ In this thesis’ case studies, informal rules include informal working arrangements or working culture among NGO coalition members, or informal rules which authorities impose in exercising their power. While the term ‘norm’ refers to shared expectation among wider society, informal rules and norms are discussed as a same category in this thesis as there are overlaps in these two concepts.

2.3 Understanding advocacy strategies

Dictionaries define advocacy as ‘the function of an advocate’ (Allen 2000: 19; Brown 1993: 32), defining advocate as ‘somebody who pleads the cause of another before a tribunal or court’ or ‘somebody who defends or supports a cause or proposal’ (Allen 2000: 19). These definitions indicate that advocacy is an act of promoting a certain position. In the literature targeted at NGOs and grassroots organizations, the definition of advocacy is often linked to policy change. An advocacy toolkit published by CARE, an international humanitarian NGO, defines advocacy as ‘a deliberate process of influencing those who make policy decisions’ (Sprechmann and Pelton 2001: 2). An advocacy guide for civil society commissioned by the USAID defines advocacy as ‘the process in which group (s) applies a set of skills and techniques for the purpose of influencing public decision-making: the ultimate result is to achieve a well-defined social, economic or political policy goal or reform’ (Fox and Helweg 1997: 13). As this thesis examines advocacy strategies aimed at human development and the environment, advocacy in the context of this thesis is defined as ‘a process or an act attempting to influence decision-making which affect the public at large.’

Moving on to the concept of strategies; dictionaries define the term strategy as ‘long-term planning in the pursuit of objectives, or the art of this’(Allen 2000: 1391), or ‘the art of skill of careful planning towards an advantage or a desired end’(Brown 1993: 3085).

In the literature, as well as in practical toolkits for practitioners developing advocacy strategies for NGOs and grassroots, it is usually suggested that advocacy strategies should contain a) goal of advocacy, b) target audiences, c) activities and tactics, and d) allies and opportunities, e) success indicators and f) timeframe (UNICEF 2010; Sprechmann and Pelton 2001; Gordon 2002; Wells-Dang 2011). Referring to these key elements of advocacy strategy, this thesis includes advocacy goals, target audiences, activities and tactics used by the NGO coalitions. The conceptual framework of the relationship between these elements is illustrated in Figure 1, which provides a way to categorize various strategies of NGO coalitions which will be discussed later in this thesis. Figure 1 will be used for this purpose in chapter 7 after providing an overview of various strategies undertaken by the case study NGO coalitions.

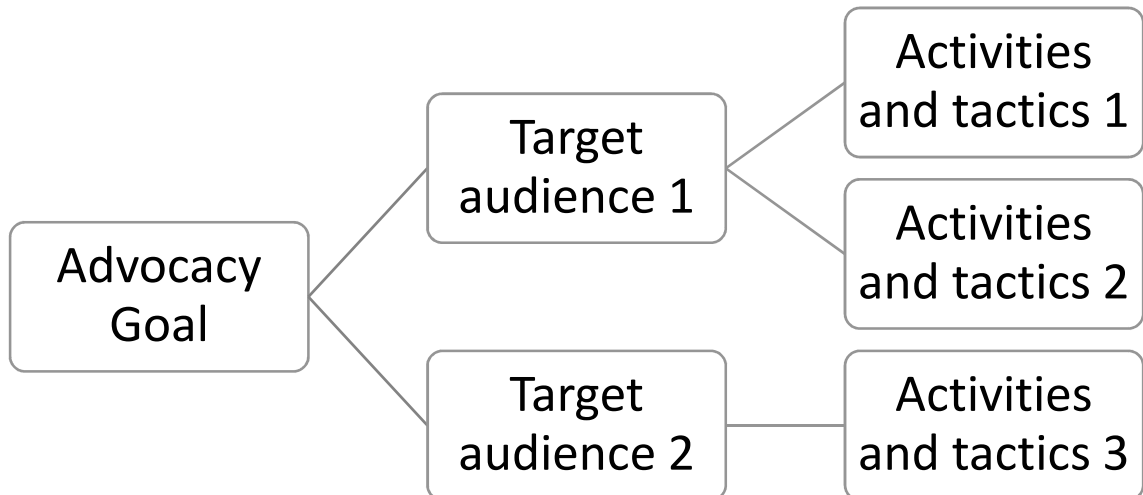


Figure 1: Framework for understanding advocacy strategies.

Developed by the author with references (UNICEF 2010; Sprechmann and Pelton 2001; Gordon 2002; Wells-Dang 2011).

Understanding activities and tactics are one of the key aspects of understanding advocacy strategies. The following sections will discuss key

approaches in understanding these tactics, which have particular relevance to the strategies adopted by the case study coalitions. They include 1) use of networks 2) use of science and 3) use of media.

2.3.1 Strategy 1: Use of networks

In the simplest form, a network is ‘a collection of points joined together in pairs by lines’ (Newman 2010: 1). The word ‘network’ is used in different disciplines including mathematics, computer science, biology, and social science (Newman 2010: 1-10). In social science, a network often refers to human beings or social entities and is referred to as a social network. A social network is ‘a set of relations that apply to a set of actors, as well as any additional information on those actors and relations’ (Prell 2012: 9). The analysis of social networks involves understanding relationships amongst actors (Wasserman and Faust 1994: 3).

Referring to social networks associated with policy processes, political scientists often use the term ‘policy network,’ which is referred to as ‘sets of formal and informal institutional linkages between governmental and other actors structured around shared interests in public policy making and implementation’ (Rhodes 2007: 1244). Rhodes (1997) provides different typologies of networks involved in the policy process, depending on the characteristics of the network. For example, a policy community is characterized by the stability of the relationships and a highly restricted membership, whereas an issue network has a large number of participants, with a limited degree of interdependence and is often seen as a more unstable network (Rhodes 1997: 38, 44).

The word ‘coalition’ is used in a similar way to ‘network.’ Yanacopulos (2005) discusses the difference between a network and a coalition, indicating that coalition refers to more permanent links than those forged by a single-issue thematic network (Yanacopulos 2005: 95). According to Yanacopulos, coalitions often have permanent staff, a more permanent membership base, and a secretariat (Yanacopulos 2005). More importantly, coalitions often share broader strategic goals than a single-issue based network (Yanacopulos 2005: 95). Referring to networks, coalitions, and movements in a transnational context, Fox (2010) differentiates between these based on different degrees of shared characteristics, as

described in Table 2 (Fox 2010). Referring to these characteristics, Fox (2010) claims that coalitions need shared targets, and require clear terms of engagement to be sustainable (Fox 2010). Sabatier and Jenkins-Smith (1999) refer to an advocacy coalition as something consisting of actors from a variety of organizations who share a set of policy beliefs (Weible, Sabatier, and McQueen 2009: 122; Sabatier and Jenkins-Smith 1999). An advocacy coalition is ‘composed of people from various governmental and private organizations that both 1) share a set of normative and causal belief and 2) engage in a nontrivial degree of coordinated activity over time’ (Sabatier and Jenkins-Smith 1999: 120). In summary, a coalition is a type of network, which is comprised of actors who have shared objectives and conduct joint actions.

Table 2: Transnational civil society networks, coalitions and movements

(Source: Fox 2010: 488)

Shared characteristics	Transnational networks	Transnational Coalitions	Transnational movement organizations
Exchange of information and experiences	Shared	Shared	Shared
Organized social base	Some have bases, others do not	Some have bases, others do not	Counterparts have bases
Mutual Support	Sometimes shared, from afar and sometimes strictly discursive	Shared	Shared
Material interests	Not necessarily shared	Sometimes shared	Sometimes shared
Joint Actions & campaigns	Sometimes loose coordination	Shared, based on mutually agreed goals, often short-term, tactical	Shared, based on shared long-term strategy
Ideologies	Not necessarily shared	Not necessarily shared	Usually shared
Collective identities and political cultures	Often not shared	Often not shared	Shared political values, repertoires, and identities

2.3.1.1 Network as a strategic approach adopted by NGOs

The use of networks is often one of the key approaches adopted by NGOs and civil society actors in their advocacy work (UNICEF 2010: 95). Strategic use of networks allows NGOs and civil society actors to gain the

ability to influence decision-making and policy. Lenschow (1997) utilized a policy network framework to examine the role of NGOs in environmental policy, arguing that while environmental NGOs are often regarded as peripheral actors, they can play an influential role in policy-making through their strategic network-building (Lenschow 1997). Haas (1992) claims that NGOs promote norms, and provide knowledge through taking part in an epistemic community (Haas 2007: 793; Haas 1992: 3). An epistemic community is a network of experts who have authoritative claims within their domain of expertise (Haas 1992: 3; Haas 2007: 793). Epistemic communities play important roles in the norm internalization process (Koh 1998: 646), which is the stage when the norm acquires a taken-for-granted quality by the society (Finnemore and Sikkink 1998: 895), illustrating the importance of network. Being part of an epistemic community allows NGOs to influence public decision-making as experts. Haas (2007), however claims that comparatively few NGOs are drawn to epistemic communities since NGOs tend to value principled belief over causal beliefs in policy discussions, while an epistemic community maintains its expert authority through a seemingly neutral scientific understanding of a particular subject (Haas 2007: 793).

As suggested by Rhodes (2007), networks are often created when organizations are dependent on each other for resources, and where they need to exchange resources in order to achieve their goals (Rhodes 2007; Parsons 1995: 186). Resources, in this context, include human resources, financial resources, physical assets as well as knowledge. The network approach became attractive to political scientists in the 1970s, as a way to allow them to analyse how people interact within a policy arena, using a flexible approach, as policy is often a product of interaction of many actors (Parsons 1995: 185). Network theorists take the view that policies emerge as a result of bargaining or cooperation between different network members (Rhodes 1997; Hill 2009). The network approach focuses on understanding the patterns of formal and informal relationships among network members engaged in a policy process, including both governmental and non-governmental actors (Parsons 1995: 185). It is an advancement of the pluralist and corporatist theory that claims power is distributed widely throughout society (Hill 2009; Rhodes 1997: 37). The network approach is

used particularly in explaining the shift from ‘government’ to ‘governance’ and the engagement of non-governmental entities in the form of governance (Rhodes 1997). Networks of NGOs, therefore, can potentially contribute towards improved governance.

In the contemporary world where policy making is no longer the sole responsibility of government actors but one in which diverse nongovernmental actors are involved, the conceptualization of governance places emphasis on interdependence between governmental and nongovernmental bodies (Lovan W, Michael., and Ron. 2004: 3). Rhodes (1996) defines one aspect of governance as ‘self-organizing, inter-organizational networks’ (Rhodes 1996: 658-660), arguing that governance takes place through exchange of resources among actors, that include governmental and private actors (Rhodes 1996: 658-660). Rhodes (1996) continues to discuss governance as inter-dependence between organizations, and a process of self-organization with limited accountability to the state (Rhodes 1996: 660). Thus, networks are one of the key contributors to the development of governance, and NGOs are one of the important players in this process.

Understanding networks can shed light on understanding society. While social scientists typically study the networks of human beings in order to understand society, scholars of actor network theory (ANT) take the approach that society is composed of networks of both human and non-human entities. Therefore, it is vital to understand the interaction of both in order to understand society (Callon 2001: 62; Dolwick 2009). Referring to the literature on civil society, Wells-Dang suggests that civil society as a whole can be understood as a network (Wells-Dang 2011). As networks are one of the key forms that NGOs and civil society actors adopt when conducting advocacy work, understanding factors affecting the way networks operate becomes important in order to understand how wider participation and governance over environmental and natural resources management might be developed.

2.3.1.2 Transnational Advocacy Network

NGOs and activists advocating changes and improvements in a variety of international issues often establish a network, which is described by Keck and Sikkink (1998) as a Transnational Advocacy Network (TAN) (Keck and Sikkink 1998). A TAN is a transnational network of NGOs and other actors committed to championing the causes of others or defending a common cause or proposition (Keck and Sikkink 1998: 8). The network may include 1) international and domestic NGOs, research and advocacy organizations 2) local social movements 3) foundations 4) the media 5) churches, trade unions, consumer organizations, intellectuals, and 6) parts of regional and international organizations (Keck and Sikkink 1998: 9). Due to the diversity of actors engaged, a TAN is often capable of identifying a variety of venues through which to raise the issues of concern, utilizing the strength of various actors. As Keck and Sikkink (1998) indicate:

‘Transnational value-based advocacy networks are particularly useful where one state is relatively immune to direct local pressure and linked activists elsewhere have better access to their own governments or to international organizations. Linking local activists with media and activists abroad can then create a characteristic “boomerang” effect, which curves around local state indifference and repression to put foreign pressure on local policy elites. Activists may “shop” the entire global scene for the best venues to present their issues, and seek points of leverage at which to apply pressure. Thus international contacts amplify voices to which domestic governments are deaf, while the local work of target country activists legitimizes efforts of activists abroad.’ (Keck and Sikkink 1998: 200)

Keck and Sikkink (1999) suggest different types of strategies that TANs may adopt in their advocacy work; one of these strategies is termed information politics, which is the ability of the network to gain and mobilize information which garners political attention (Keck and Sikkink 1999: 95). The second strategy is symbolic politics, which is the ability to frame a situation symbolically in a way that resonates with audiences that are physically removed from the situation of the subject of advocacy (Keck and Sikkink 1999: 96). The third type of strategy is termed leverage politics, the ability of a network to influence more powerful institutions to which weak groups would not have otherwise gained access (Keck and Sikkink 1999: 97). The final type of strategy suggested is accountability politics, a strategy

which holds governments responsible for commitments which they made previously (Keck and Sikkink 1999: 97).

One of the key issues which a network faces is the relationship and interaction among the network members. For a TAN, the issue of managing relationship among its network members is particularly challenging since it typically includes members from different countries with a diverse background. A TAN often includes organizations from the North working with communities where advocacy issues are taking place in the South. Members from the North tend to have more access to resources including financial and technical resources, creating an uneven landscape (Meierotto 2009: S283). On the other hand, members from the North often gain legitimacy for their actions through their contacts and support to civil society groups in the South (Keck and Sikkink 1999; Hudson 2001: 331). Yanacopulos (2005) points out legitimacy as one of the important resources of non-profit organizations (Yanacopulos 2005: 97). Conducting an advocacy campaign in a democratic manner within networks is also important particularly as TANs tend to involve people and organizations in unequal positions (Jordan and van Tuijl 2000: 2051). Commitment to this democratic principle is referred to as political responsibility by Jordan and Tuijl (2000).

Referring to different types of political responsibilities which exist among existing transnational NGO campaign, Jordan and Tuijl (2000) provided four types of relationships. They include: 1) cooperative campaigns where members share interlocking objectives and the network achieves an optimal level of political responsibility towards the most vulnerable members; 2) concurrent campaigns where members have different but compatible objectives without achieving a high level of political responsibility; 3) disassociated campaigns where NGOs engaged have parallel representation and conflicting objectives, where the campaign achieves a low level of political responsibility; and 4) competitive campaigns where the advocacy of certain actors may have adverse or counterproductive impacts on other actors (Jordan and van Tuijl 2000: S2056-S2061). These types of relationships among advocacy campaign actors have informed the analysis of relationships between various NGOs/civil society coalitions.

Similarly, referring to the ways that NGOs attempt to strengthen community based and grass roots institutions, Covey (1995) provides three typologies of such alliances. One of them is a grass-roots centered alliance where policy questions are defined from a grass roots point of view, while the second type of alliance is the NGO-centred alliance where NGOs define agendas and strategies of alliances (Covey 1995). The third type of alliance is a mixed alliance where a variety of actors formulate the alliance; these actors may include the poor, the middle class and elites and may face difficulties in bringing benefits to all groups (Covey 1995). While in reality, it is not easy to clearly identify where the original agenda and advocacy strategy is created, these typologies also provide a lens for analysing the working relationships among network members.

In conclusion, the literature provides three key lessons that can be used in analysing networks. First of all, understanding the resource dependency of networks can shed light on the type and nature of the network. Secondly, understanding the characteristics of network members, their resources, relationships and interactions are important for understanding the strategy development of the network, thus an important aspect to consider when analysing the strategies of NGO coalitions. Finally, the analysis of the literature identified networks as one of the key forms of governance and NGOs as one of the most important actors.

2.3.2 Strategy 2: Use of science

Linking science into policy and decision-making is recognized as an important and undisputable aspect of public policy making (Pielke and Klein 2010: 14, 19; Huitema and Turnhout 2009: 576). Some NGOs have the expertise to provide policy-relevant scientific knowledge to decision-makers (Gemmill and Bamidei-Izu 2002: 11). However, the science and policy interface is not easy since it requires an attempt to bring two different worlds together. The world of science, on one hand, is considered by many to be objective, neutral, independent, fact based, and based on standardised methodology. The world of policy-making, on the other hand, is considered by some to be subjective, based on ideology and values, and one that takes an opportunistic approach (Huitema and Turnhout 2009: 579). Scientific research often requires long term investment to gain results and often results

in uncertainties, whereas policies and decisions have shorter life-cycles, often dependent on election results, and require decision-making even when scientific uncertainties exist (De Santo 2010: 414, 418 ; Van der Sluijs 2005: 87). For scientific knowledge to be used for policy-making, it needs to be translated and transferred to usable knowledge within the policy domain (Turnhout, Hisschemöller, and Eijsackers 2007: 220). Because of the divergence between science and policy, the role played by actors who translate and transfer scientific knowledge to the policy world becomes important. Organizational actors who sit at the ‘boundary’ of these different worlds are called ‘boundary organizations’ (Guston 2001: 400). Boundary organizations exist at the frontier of politics and science, and facilitate participation and collaboration between scientists and non-scientists (Guston 2001: 401).

The questions of ‘what is science’ and ‘what distinguishes science and non-science’ are another important aspect when considering the science-policy interface. Academic literature refers to this demarcation of science and non-science as ‘boundary work’ (Gieryn 1983: 399; Guston 2001; Turnhout, Hisschemöller, and Eijsackers 2007). The concept of ‘boundary work’ was originally proposed by Gieryn (1983) who reviewed how science was perceived in historical contexts and concluded that ‘boundaries of science (and non-science) are ambiguous, flexible, historically changing, contextually variable, internally inconsistent and sometimes disputed’ (Gieryn 1983: 792). One example which illustrates Gieryn’s conclusion was the disciplinary battles between anatomists and phrenologists in early 19th century Edinburgh, where established scientists (in this case, anatomists) refused to accept new science (phrenology) which was threatening the reputations and authorities already established by anatomists, and which in turn created various barriers for phrenologists to conduct their academic work (Gieryn 1983: 789). Illustrated by this example, boundaries of science and non-science can be seen as socially constructed (Turnhout, Hisschemöller, and Eijsackers 2007: 221). The ambiguity and flexibility of boundary work may lead to confusion as well as to risk of the politicization of science (Guston 2001).

The literature on the use of science brings several key aspects to attention in analysing NGOs’ use of science as advocacy strategy. First of

all, when considering NGO's role as science providers, NGOs' relationships with boundary organizations become one of the important factors. Secondly, the mandate and ability of the boundary organization to communicate science is also an important factor. Thirdly, the literature indicates that what distinguishes science and non-science could be subjective and depend on who evaluates scientific information. Again, the role of boundary organization and the credibility of science by NGOs in the eyes of boundary organizations and government actors are critical when analysing the use of science in NGOs strategies.

2.3.3 Strategy 3: Use of media

The mass media plays various roles within modern society. Most people rely on the mass media as the source of information about events and political affairs occurring both locally and globally (Negrine 1994: 1). The images, texts and their interpretation provided by the media, form the basis for public perception of the events (Graber 2002: 6-11; Negrine 1994: 2). The media also plays important role in socialization, a process where individuals internalize values, beliefs and culture in a particular society (Croteau and Hoynes 2003: 13; Graber 2002: 2). According to Meyer, through balanced, objective, comprehensive reporting, the mass media has a capacity to contribute to democratic communication (Meyer 2002: 4). Graber also claims that media stories are often indications of what is considered important in society (Graber 2002: 2).

The mass media also has the capacity to shape public policy, and at times manipulate politics (Spitzer 1993: 5; Graber 2002: 12). When the media reports on news and events, it frames the stories, thus allowing the media to provide meanings to events (Scheufele 1999: 106-107). While the professional ethics of journalism may oblige journalists to cover the stories objectively, they also have discretion over how they frame the stories (Simon and Jerit 2007: 258). Through framing, the mass media has the capacity to build up public images of, for example, political figures, and force the public to pay attention to certain issues (McCombs and Shaw 1972: 177). As discussed earlier, framing is also an important way for certain norms to be accepted by the society (Finnemore and Sikkink 1998: 897).

In a reverse way, politics and political systems are also capable of manipulating the media. Politicians may take advantage of journalists' discretion in framing certain issues, and may encourage them to frame stories in a way which suites their political agenda (Simon and Jerit 2007: 258). The type of political regime can also affect the way the media produces and communicates stories. Democratic regimes tend to emphasize the importance of press freedom (Negrine 1994: 25; McQuail 1987: 113), and the media in a democratic regime is expected to work on the assumption that the press is an instrument used to check and scrutinise the actions of the government. Thus the press should provide critical thinking on major policies, sometimes challenging government policies when they seem flawed (Graber 2002: 20; Negrine 1994: 25). The selection of news and entertainment programmes are however usually based on audience appeal (Negrine 1994: 35; Graber 2002: 20). In contrast, authoritarian and socialist regimes assume that the government knows and respects people's best interests, therefore the media should not attack the government and its policies, but rather should play a supportive role (Graber 2002: 20; McQuail 1987: 111). It also contends that the selection of news and entertainment programmes should be based on the social values of the regime (Graber 2002: 20). What is to be broadcasted and not broadcasted is often determined by leading political parties (Young 2012: 3-4).

Governments can also control the media through regulations. Governments may require a permit to start a business in the media, or place restrictions on its ownership (Graber 2002: 26). Media with a limited broadcast spectrum, such as radio and TV, need allocation of the spectrum, which is often controlled by the government or semi-governmental bodies (Graber 2002: 26; Croteau and Hoynes 2003: 78). In a totalitarian regime, governments own and operate the media, not allowing other media to exist in the country and enforcing this by jamming channels and prohibiting the import of printed materials (Croteau and Hoynes 2003: 77; Graber 2002: 27). Also in a democratic regime, where freedom of expression is guaranteed, certain types of regulations exist to ensure that media does not infringe its social responsibility. These include regulating broadcasting contents (Negrine 1994: 34; Croteau and Hoynes 2003: 101-107; Graber 2002: 19).

Using the media is one of the key advocacy strategies often adopted by NGOs and civil society actors, in order to raise public awareness (Sprechmann and Pelton 2001: 90). As discussed earlier, the mass media is one of the effective ways to shape public opinion on certain issues, and could potentially influence politics (Spitzer 1993: 5; Graber 2002: 12). Through these functions, the media provides pathways for advocacy actors to disseminate their messages and seek wider support for issues that are the subject of their advocacy work. Using the media allows advocacy organizations to deliver their message to a large number of people and potentially attract public support (Anderson 1997; Sprechmann and Pelton 2001: 90). Gaining media attention can also potentially increase credibility with policy makers (Bunn and Ayer 2004: 3; Sprechmann and Pelton 2001: 90).

There are also challenges associated with the use of media in NGOs advocacy efforts. Media coverage on advocacy events works as a validation of their importance (Gamson 2004: 252). However, coverage by the media does not necessarily provide an opportunity for advocacy groups to voice their opinions (Gamson 2004: 251). Depending on how stories are framed, there is also a risk that media attention may negatively affect the advocacy work or the organization working on these issues (Sprechmann and Pelton 2001: 90). It is also difficult for civil society advocacy groups to gain the status of regular 'standing' for journalists, which means the main sources of information for journalists. Journalists often tend to refer to authorities for their regular sources of information (Gamson 2004: 251). In regimes where the media is controlled by governments, journalists may be reluctant or not allowed to report on certain issues, which hinder advocacy using media.

In conclusion, using the media can be an effective tool for civil society coalitions' advocacy strategies in raising public awareness on certain issues. However, there are various opportunities and barriers associated with use of this strategy, depending on the political, social and economic context. (Graber 2002; McQuail 1987; Young 2012; Negrine 1994; Randall 1993). In analysing advocacy strategies using the media, it is important to note that while the media has a potential to influence government and policies, government and its policies can also influence the media. Such influence can potentially affect NGO coalitions that chose to use media as their

advocacy strategy. The literature also discusses that political systems and regimes can affect the way media and government interact.

2.4 Understanding NGOs

Nongovernmental organization (NGO) is a ‘container concept’ that describes what it is not (non-governmental), rather than what it is, therefore, the term NGO is used and interpreted in many different ways (Büsgen 2006: 7; Fisher 1998: 5). Black’s Law Dictionary defines an NGO as ‘any scientific, professional, business or public-interest organization that is neither affiliated with nor under the direction of a government; an international organization that is composed of private individuals or organizations’ (Garner 2004: 1080). The Oxford Dictionary of Law defines an NGO as ‘a private international organization that acts as a mechanism for cooperation among private national groups in both municipal and international affairs, particularly in economic, social, cultural, humanitarian, and technical fields’ (Martin and Law 2006: 375). Charnovitz (1997) claims that definitions of an NGO are applied more in an international context than in a domestic context. This is reflective of the origin of the term ‘non-governmental organization’ which first appeared in the Charter of the United Nations (Charnovitz 1997: 186). These definitions for an NGO also broadly encompass most organizations that are not affiliated with government.

The term NGO, however, can also be defined by the purpose of the organization. Charnovitz provides a definition of NGOs as ‘groups of individuals organized for the myriad of reasons that engage human imagination and aspiration, which can be set up to advocate a particular cause, such as human rights, or to carry out programmes on the ground, such as disaster relief’ (Charnovitz 1997: 185-186). The terminology gives a specific connotation when used in certain contexts, Fisher (1998) claims that in the developing nations, it generally refers to organizations engaged in development (Fisher 1998: 5). The term ‘charitable organization’ is used in a similar context, referring to organizations whose purposes are only for charitable causes. For instance, under Scottish law, charitable purposes include: poverty prevention, the advancement of education, religion, health,

citizenship, community development, arts, heritage, culture, science, and public participation in sport (Article 7 *Charities and Trustee Investment (Scotland) Act 2005*). Although profit-making is typically not the primary objective of NGOs, the definitions discussed above do not exclude organizations that make profits as a result of their activities.

In this thesis NGOs are defined as ‘non-governmental and non-profit organizations that are formulated to advocate certain particular aspirations for human development, environment, and many other charitable objectives.’ The study aims to understand the advocacy strategies of NGO coalitions, and to understand the rules and norms that affect their strategies. The research is conducted within the context of developing nations, where NGOs are mostly associated with aspirations for development and charitable objectives, rather than functioning as profit-making organizations. NGO coalitions are defined as ‘coalitions of NGOs, or coalitions of NGOs and civil society actors coordinated by NGOs’.

NGOs are usually seen as part of civil society; the term ‘civil society’ is used to refer to a wider sector within society which includes NGOs. The term is used to refer to aspects or groups of society that are distinct from states and markets (Steinberg and Powell 2006: 4). Therefore, civil society is also referred to as the ‘third sector’, containing all associations and networks between family and state, except firms (Steinberg and Powell 2006: 4; Edwards 2004b: vii). Cohen and Arato define civil society as ‘a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication’ (Cohen and Arato 1994: ix). Civil society, in the context of this thesis utilizes these commonly adopted definitions and refers to the parts of society that are distinct from states and markets.

There are different ways to categorise NGOs, depending on the geographic scope of the NGO, the focus of NGOs’ work, and the type of activity of the NGO. International NGOs work primarily at the international scale; national NGOs work primarily at the national scale; and community based organizations (CBOs) consist of local community members and operate primarily within local communities (World Association of Non-Governmental Organizations 2010). International NGOs often base their

headquarters in one country and have offices or branches in other countries where they operate. National NGOs and CBOs are often registered with national authorities, depending on applicable rules regulating nongovernmental sector within each country.

NGOs can also be categorised by their type of activities. One type is advocacy NGOs whose primary approach is in promoting specific causes through attempting to influence decision-making processes (The World Bank 1998). Another type of NGO is development or operational NGOs whose primary approach is in implementing projects or interventions in order to achieve development or charitable objectives. At times, the same NGO could take both types of approaches: being an advocacy NGO at the same time as being a development NGO (The World Bank 1998).

While NGOs are ‘nongovernmental organizations,’ there are some NGOs that are closely linked with governments by its nature. Government-organized NGOs (GONGOs) are NGOs that are operated or established by governments, and have the nature of something between a government agency and NGOs (Wu 2003). This concept of GONGO contradicts the original definition of NGOs as being non-governmental. They are at times created to achieve the objectives of a particular regime (Naim 2007). In the United Kingdom, quasi autonomous NGOs (QUANGOs) are referred to as organizations that are funded by government, primarily functioning to deliver public services (Sushant 2010; Almond et al. 2004: 197).

These different types and functions of NGOs are important to note when attempting to understand the characteristics of NGOs that are the subject of this study. In particular, these distinctions are important in understanding how rules and norms could affect different types of NGOs.

2.4.1 Factors influencing NGOs

This section will examine the existing literature that discusses the factors influencing NGOs, with particular focus on how rules and norms influence them, and how rules and norms might also influence advocacy strategies. As NGOs are part of civil society, the literature discussing the factors influencing both NGOs and civil society will be used.

Some studies have examined the role of the political regimes in influencing the activities of NGOs and civil society actors, claiming that the

type of national political regime influences the nature of the state and its relationships with civil society. Through a study of enabling factors associated with state-civil society networks, Brinkerhoff (1999) claims that democratic regimes tends to progress further in terms of state-civil society networks, compared to authoritarian or limited democratic forms of government (Brinkerhoff 1999: 135). In his study, Brinkerhoff refers to regime as a politico-bureaucratic setting (Brinkerhoff 1999: 135). Brinkerhoff (1999) continues to discuss that a legal framework for the public sector that enables collaboration with civil society actors is also an important factor affecting them (Brinkerhoff 1999: 138). Similarly, Bryant (2001) studies how different regimes affect state-NGO relationships, through the concept of critical engagement, which refers to a state-NGO relationship where both cooperation and conflict exist (Bryant 2001: 17). Comparing state-NGO relationships between liberal democratic regimes (through the example of the post 1985 Philippines) and authoritarian regimes (using the example of the late 1960s to late 1990s in Indonesia), Bryant (2001) claims that in both types of regime, critical engagement is used by both state and NGO actors as a way to enhance political control and legitimacy (Bryant 2001). Both studies indicate that a political regime, which is the system or rule of government (Brown 1993: 2527), shaped by 'implicit or explicit principles, norms, rules and decision-making procedures (Haggard and Simmons 1987: 493), affects the way NGO actors take their actions vis-à-vis state actors. The studies support the argument that rules and norms prevailing within a certain political context influence NGOs; however, they do not provide a detailed discussion of how rules, norms and actors within a particular regime interact in creating the influence. Both studies are also focused on understanding the influence of political regimes, and do not extend their analysis to the influence of the rules and norms which shape NGOs behaviour within their sphere of activity.

Embeddedness is another concept which scholars have used in identifying the relationship between regimes and the behaviour of NGOs. The concept of 'embeddedness' has been developed through the work of scholars who attempted to explain economic phenomena from a sociological perspective, claiming that economic behaviour is embedded in society, and understanding economic behaviour requires knowledge of the history,

culture, social relations and networks (Granovetter 1985: 482; Hattori 2002). Williamson (2000), one of the founding scholars of new institutional economics refers to embeddedness as 'informal institutions' which includes norms, customs, traditions and religions (Williamson 2000: 596).

Scholars who studied Chinese NGOs and the activism of their networks, argue that NGOs operating in the Chinese context, where there is an authoritarian regime, take an 'embedded' approach (Gu 2008; Ho and Edmonds 2008; Wells-Dang 2011). Through analysis of the inter organizational collaboration of NGOs, Lawrence et al (2002) suggest that embeddedness in an institutional environment is one of two important factors, along with the level of involvement among participants (Lawrence, Hardy, and Phillips 2002: 289). In this study, Lawrence refers to institutions as 'relatively widely diffused practices, technologies, or rules that have become entrenched in the sense that it is costly to choose other practices, technologies or rules' (Lawrence, Hardy, and Phillips 2002: 282). The study attempts to understand how NGOs' collaboration with other organizations can enhance the creation of 'proto-institutions' that are new practices, technologies and rules (Lawrence, Hardy, and Phillips 2002: 283). The study indicates that although organizational collaboration is primarily a matter of interest among collaborating parties, if they do not take into account how the collaboration embeds them in wider institutional context, there is a risk of forgoing opportunities for creating proto-institutions (Lawrence, Hardy, and Phillips 2002: 289). This analysis provides useful lessons for NGOs' advocacy work as it implies that if NGOs intend to advocate for new ways of doing thing or to adopt new perspectives, it is important to take into consideration that their strategies need to be embedded into their respective society's institutional environment.

The studies which identified embeddedness as one of the factors affecting NGOs' behaviours, suggest the importance of understanding the influence of norms on NGOs. However, further identifying the details of specific aspects of embeddedness and how embedded actions occur in relation to formal rules, could help NGOs and civil society actors in the practical application of explaining and strategizing their future actions.

Resource dependency is another factor that various scholars have studied, as a factor affecting NGOs and civil society actors. Saxon-Harrold

(1990) studied British voluntary organizations and identified competition and resource dependence as factors which determine voluntary organization strategies (Saxon-Harrold 1990: 126). Hsu (2010), who studied state-NGO relationships in the Chinese context, explains this relationship as a result of resource dependency between the Chinese state and NGOs, where NGOs are in constant need of sustaining their finances, and view state agencies as resource-rich conglomerations (Hsu 2010). NGOs may start their activities as initiatives aiming for charitable objectives, however, once set up as organizations, NGOs are not an exception from other organizations and need to secure a constant supply of resources to survive (Hsu 2010: 267). Referring to transnational campaigns, Yanacopulos (2005) reminds us that advocacy campaigns at a global level tend to be extremely expensive and that no one organization can finance an entire campaign. This creates incentives for NGOs to take part in transnational advocacy networks.

Necessary resources for NGOs are not limited to funding, but also include human resources, legitimacy and information (Yanacopulos 2005: 97). Legitimacy is defined by Lister (2003) and Suchman (1995) as ‘generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions’ (Suchman 1995: 574; Lister 2003: 178). Although NGOs are often considered to represent the public, and may play a role as ‘bottom-up broker’, NGOs may in fact represent certain specific opinions and interests not necessarily reflecting public opinions at large (Bodansky 1999: 619). While NGOs are often valued for their connections with local communities and grassroots opinion, Meierotto (2009) claims that there are times when such connections are not grounded in reality (Meierotto 2009: S284). In the international policy-making arena, the question of what would constitute the meaningful level of the civil society participation is still a question that needs clarification (Gemmell and Bamidei-Izu 2002: 15).

Issues of legitimacy and accountability are important when NGOs and civil society actors form international networks for the purpose of advocacy. Jordan and Tuijl (2000) use the concept of political responsibility in order to distinguish different types of TANs based on their relationships among actors in the network (Jordan and van Tuijl 2000: 2053). Political

responsibility is a commitment to conduct an advocacy campaign with democratic principles in the process (Jordan and van Tuijl 2000: 2053). Similarly, Covey (1995) provides different typologies of NGO alliances from the perspective of the accountability and effectiveness of an NGO policy alliance (Covey 1995).

The legitimacy of NGOs is not only relevant to the public or the local populations which they attempt to represent but also important in the eyes of other actors. Lister (2003) examines legitimacy of northern NGOs (NGOs from developed nations) and argues that these NGOs need to consider legitimacy in the eyes of a wide range of actors including donors, public, target of advocacy, partner NGOs, southern governments, beneficiaries, and employees (Lister 2003: 186). International NGOs which encompasses multiple entities and branch offices are often required to act within the remit of their organizational strategic priorities. These are shaped by various factors including the status of the subject matter, funding, public opinion, and relationships with their stakeholders.

Bodansky (1999) provides three main sources of legitimacy. First is the origin of the source, for example, historically a king or church has been seen as legitimate (Bodansky 1999: 612). Secondly, legitimacy is associated with procedure whereby legitimacy is associated with the type of process which was taken by the people (Bodansky 1999: 612). Thirdly, a successful outcome of an action can bring legitimacy to the public authority (Bodansky 1999: 612). While Bodansky discusses these sources of legitimacy in connection with legitimacy of authorities, the same perspective can apply for the legitimacy of NGOs.

These studies approach resource dependency from an organizational perspective, as based on the fundamental understanding that organizational behaviour is bounded in its context, and the survival of an organization depends on acquiring and maintaining resources (Pfeffer and Salancik 2003: 1-2). Resource dependency, however, can also be applied for the study of networks, as networks are often created to supplement resources among network members (Rhodes 1997). Thus, this perspective will be used to identify the incentives and motivations for the existence and operation of networks such as those studied in this thesis.

Some scholars have examined how institutional environments affect NGOs. Doh and Guay (2006) studied how institutional environments influence NGO activism, corporate social responsibility, and public policy in Europe and the USA, using a new institutionalism perspective and stakeholder analysis as research methods. The authors do not provide a specific definition of institutional environment in this article, however, they take a new institutionalist approach and consider key concepts of institution to be laws, policies, formal agreements, and behavioural norms (Doh and Guay 2006: 49).⁴ Through this study, the authors claim that

‘As NGOs become more successful in expanding their membership and developing sophisticated networks to effect change, they become more integrated into the institutional environment in which they operate, and the more they will influence the formal institutional setting, contributing to a dynamic, co-evolutionary process’ (Doh and Guay 2006: 54).

Building onto the concept of institutional isomorphism, some scholars claim that institutions that interact with each other tend to become similar to each other (DiMaggio and Powell 1983; Ramanath 2009). Ramnath (2009) examines institutional isomorphism in the case of NGOs and claims that ‘as more NGOs cooperate with the state, they become isomorphic in their structures and processes’ (Ramanath 2009: 51). These studies indicate that NGOs change and adopt their operations and strategies, depending on the institutional environment they work in and the other organizations with whom they collaborate, thus, illustrating the influence of institutional environment.

Recognizing the fact that NGOs take part in a network, Ohanyan (2012) proposes network institutionalism as a way to analyse NGOs in the context of international relations. In attempting to understand NGOs’ behaviours in the context within which NGOs operate, Ohanyan claims that network institutionalism

‘(i) transcends the state as a point of reference for NGO studies, (ii) examines NGO embeddedness into their immediate institutional environments and networks and (iii) acknowledges the diffusion of power

⁴ Definition of institution by new institutionalism scholars will be discussed in the next section.

within and between networks and treats power as a relational and dynamic attribute rather than a fixed construct' (Ohanyan 2012: 367).

Network institutionalism brings structure-agency perspective⁵ into the relationship between a network and NGOs, and suggests that their relationships are mutually constitutive, and the relationship could be both cooperative and conflictual (Ohanyan 2012: 378). Network institutionalism is not an entirely new approach as it combines sociological institutionalism and network theory (Ohanyan 2012: 366), but it brings a useful approach to our understanding of individual NGO's roles within an NGO coalition. In particular, the approach introduces perspectives which distinguish how NGOs influence structure (network, in this case) and vice versa, both positively and negatively (Ohanyan 2012: 381). The study does not provide a definition of institution. However, sociological institutionalism, which network institutionalism is based on, takes a wider approach in defining an institution as something which frames meaning and guides human actions, and includes 'formal rules, procedures or norms, symbol systems, cognitive scripts and moral templates' in its definition (Hall and Taylor 1996: 947).

In understanding factors affecting civil society actors, scholars of social movements may use the concept of political opportunity structures, as factors which affect social movements (Tarrow 1998: 7; Sikkink 2005).

These factors include

'1) the nature of existing political cleavages in society 2) the formal institutional structure of the state 3) the informal strategies of the political elites vis-à-vis their challengers, and 4) the power relations within the party system (alliance structures)' (Van der Heijden 1997: 27).

Political opportunity structures exist not only at the domestic level but also at the international level, which is relevant for social movements involving international issues and actors (Sikkink 2005: 156). Concepts of political structure provide useful insights for the analysis of institutional influence on advocacy strategies of NGO coalitions, in several ways. First of all, they provide both formal and informal aspects of political settings within which advocacy coalitions operate. Secondly, social movements

⁵ Structure-agency perspective will be discussed in detail in the next section.

typically aim to advocate on certain issues, which should also be taken into consideration when examining what may affect advocacy strategies.

However, a scope for analysis focused on the political system and political actors (political context), does not integrate the influence of rules and norms adopted among members of social movement networks.

2.4.2 Relevance of the review for this thesis

The review of existing literature identified several important lessons for this thesis's research which will analyse the influence of rules and norms on advocacy strategies of NGO coalitions. First of all, the existing literature argues that both rules and norms influence the behaviours of NGO actors. This is an important point and will justify the focus of this research on a better understanding of 'how' these influences occur, instead of 'whether or not' these influences occur. Secondly, existing studies support the importance of understanding NGOs' work in the context of networks. Thirdly, the resource dependence nature of NGOs provides an important aspect in understanding the way NGOs may operate within a network, as well as how they seek to ensure the legitimacy in their activities. Fourthly, the literature arguing the influence of regimes and collaboration suggests the importance of understanding the interactions between rules, norms and the actors who interpret and apply them in various contexts. Finally, the review did not identify a sufficient body of literature which provides a comprehensive understanding of the influence of rules and norms on NGOs at different scales, including international, national, local, and within NGO networks. Understanding these multiple influences of rules and norms can bring new aspects into the existing body of literature. The literature review has identified existing gaps and justifies the importance and unique contribution of this thesis, which examines the influence of rules and norms on the advocacy strategies of NGO coalitions.

2.5 Various approaches used in studying the influence of rules and norms on actors' behaviours

This section identifies existing approaches used to analyse how rules and norms may influence the advocacy strategies of NGOs.

2.5.1 New Institutionalism

As discussed in section 2.4.2, several scholars have adopted new institutionalism as a way of analysing how rules and norms may influence NGOs (Lawrence, Hardy, and Phillips 2002; Ohanyan 2012; Doh and Guay 2006; Ramanath 2009). Therefore, this section will analyse the theoretical approaches of new institutionalism and explore the possibilities of the application of this theoretical approach to this thesis.

New institutionalism in political science emerged in the 1960s as an alternative explanation to behaviourism. Behaviourism attempted to explain political behaviour from an objective and quantitative perspective and through observable behaviour (Immergut 1998: 6; Hall and Taylor 1996: 936; John 1998: 57). The traditional (often referred as old) institutional approach in political science, which dominated the discipline from the mid-19th century to the early 20th century, primarily focused on the study of legal frameworks and administrative arrangements of government (Scott 2008: 6). Scholars of old institutionalism define an institution as an 'arena within which policy-making takes place' (John 1998: 38), which includes political organizations, administrative arrangements, and the laws and rules that play central roles in the policy process (John 1998: 38; Scott 2008: 6)

The proponents of new institutionalism rejected observable behaviour as a basis of understanding political behaviour, and proposed the importance of institutions in order to understand the behaviour of individuals (Immergut 1998: 6; Hall and Taylor 1996: 936). As compared to 'old' institutionalism, that focused on formal mechanisms such as law and governmental organizations, new institutionalism broadens its use of the term institution to also understand how institutions are shaped and how actors' behaviours are shaped by institutions (Roskin et al. 2008; Hall and Taylor 1996: 936).

New institutionalism gradually emerged from different disciplines including sociology, economics, and political science, and expanded the definition of institution to include both formal and informal rules, norms, and even culture (Hall and Taylor 1996). Political scientists, in their understanding of power and the behaviour of political actors, differentiated between different aspects of new institutionalism, including sociological

institutionalism, institutional rational choice, and historical institutionalism (Hall and Taylor 1996). Accordingly, the definition of what is meant by ‘institution’ also varies. The primary difference lies between scholars who define an institution as ‘organizational entities’ and scholars who define an institution as ‘rules, norms and strategies adopted by individuals operating within or across organizations’ (Ostrom 1999: 37). Broadly speaking, all schools of new institutionalism take the latter approach to institution (Immergut 1998: 15).

Sociological institutionalism emerged out of a form of organization theory studied by sociologists (Hall and Taylor 1996: 946). As compared to the traditional theory of organizations which assumed organizations are structured to maximize efficiency, sociological institutionalism takes the approach that organizations are not only structured to achieve efficiency but primarily as a result of culturally specific practices (Hall and Taylor 1996: 14). Scholars of sociological institutionalism tend to include in their definition of institutions not only formal rules, procedures or norms, but also ‘symbol systems, cognitive scripts, and moral templates that provide the “frames of meaning” guiding human actions’ (Hall and Taylor 1996: 947), breaking the conceptual divide between ‘institution’ and ‘culture’ (Hall and Taylor 1996: 947). They interpret the relationships between institutional and individual behaviour based on their cultural and world views (cultural approach) (Hall and Taylor 1996: 15). Two of the main proponents of sociological institutionalism are March and Olsen (1986), who define political institutions as ‘collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and institutions’ (March and Olsen 1989: 160), and claim that individuals act according to the rules and a logic of appropriateness of the institutions they enter into (March and Olsen 1989: 160). While this approach has a primary focus on understanding organizational behaviours, the logic of individual behaviour based on ‘appropriateness’ can be applied to NGO networks.

Another variation of new institutionalism is rational choice institutionalism, which draws analytical tools from new institutional economics (NIE) (Hall and Taylor 1996: 11). NIE considers that ‘institutions are humanly devised constraints that structure political, economic, and social interaction’ (North 1991: 97). In addition, NIE

considers that institutions are created to reduce transaction costs in society (Hall and Taylor 1996: 11). Rational choice institutionalism assumes the basic principle of actors' behaviour being rational; however, institutions also regulate the rational decisions of actors. Therefore, actors do not act completely rationally (Kato 1996: 554).

The third type of new institutionalism is historical institutionalism, sometimes referred to as political institutionalism, which suggests that society is 'path dependent' and attempts to understand how institutions produce society's 'path' (Hall and Taylor 1996: 9). Historical institutionalism understands institutions as rules, procedures, norms and legacies that are result of historical development (Immergut 1998: 15, 18). Historical institutionalism also seeks to understand how institutions shape ideas and influence policy, and how institutions influence the power relationships of groups (John 1998: 57). In understanding the relationship between institutional and individual behaviour, historical institutionalism takes both a rational and a cultural approach (Hall and Taylor 1996: 7-8).

The three forms of new institutionalism discussed in this section have different focuses and assumptions in understanding the relationships between institutions and individual behaviour. Two approaches to fundamental understanding of human behaviour are the rational and the cultural approach (Hall and Taylor 1996). Rational choice institutionalists take a rational approach whereas sociological institutionalists take a cultural approach, and historical institutionalists take both approaches. Some scholars criticize the approach taken by historical institutionalists indicating that it does not provide a sophisticated understanding of how institutions affect individual behaviour (Hall and Taylor 1996: 17; Hay and Wincott 1998). However, by its nature, new institutionalism attempts to understand how institutions are adopted and accepted within a given society. New Institutionalism attempts to integrate both rational and cultural approaches to human behaviour; as rational choice institutionalism in effect, integrates a cultural approach as part of 'institutions,' attempting to understand the rational behaviour of actors which take into considerations institutional constraints. In essence, the divide between these two approaches is reduced.

The analytical lens provided by new institutionalism, which aims to understand how institutions influence actors' behaviours, is suited to the

analytical focus of this thesis which aims to understand how rules and norms influence actors. Understanding this influence is essentially a question of understanding how rules and norms interact with actors' behaviour. Therefore, the following sections will further examine different existing approaches to understanding this interaction, as a contribution to the development of an approach suitable for this thesis's analysis.

2.5.2 Typologies of relationships between formal and informal institutions

As discussed in the previous section, new institutionalists define institutions as the rules, norms, strategies, and culture adopted by a particular society (Immergut 1998: 15; Ostrom 1999: 37). Institutions can be formal and informal. Formal institutions are referred to as 'rules and procedures that are created, communicated, and enforced through channels widely accepted as official' (Helmke and Levitsky 2004). Informal institutions are referred to as institutions embedded in society and includes customs traditions, norms and religions (Williamson 2000: 597). Referring to the relationship between formal and informal institutions, Helmke and Levitsky (2004) argue that

'In comparative politics, the issue of how informal institutions sustain or reinforce-as opposed to undermine or distort- formal ones has not been well researched. When institutions function effectively, we often assume that the formal rules are driving actors' behaviour. Yet in some cases, underlying informal norms do much of the enabling and constraining that we attribute to the formal rules' (Helmke and Levitsky 2004: 734).

Based on this recognition, Helmke and Levitsky (2004) suggest four typologies of relationships between formal and informal institutions, that provides a useful analytical lens in understanding the institutional interaction (Helmke and Levitsky 2004: 723).

As illustrated in Table 3, in a context where formal institutions are effective, informal institutions either complement formal institutions or accommodate formal institutions. A complementary relationship occurs when formal institutions work effectively, informal institutions work to fill in the gap not addressed by formal institutions (Helmke and Levitsky 2004: 728). Accommodating informal institutions are often created by actors who

do not support the outcome generated by application of formal rules, and attempt to reconcile their interests without violating formal institutions (Helmke and Levitsky 2004: 729).

Table 3: A typology of informal institutions

(Source: Helmke and Levitsky 2004: 728)

Outcomes	Effective formal institutions	Ineffective formal institutions
Convergent	Complementary	Substitutive
Divergent	Accommodating	Competing

In the context where formal institutions are ineffective, one of the relationships between formal and informal institutions are substitutive. Similarly to complementary relationship, in this case, informal institutions are applied to complement formal institutions by actors who seek outcomes aimed at by formal institutions. However, when formal institutions are ineffective, informal institutions play roles supplementing formal institutions. Finally, competing relationships occur when formal institutions are not systematically enforced, informal institutions can be used by some actors to overpower the intended outcome of formal institutions. Patrimonialism or corruption are typical examples of outcomes of this type of relationship (Helmke and Levitsky 2004: 729).

These typologies of relationships provide a useful means of understanding how rules and norms affect NGO actors. Firstly, the typologies can provide an analytical lens to understand how both rules and norms affect certain actions taken by NGO coalitions. Secondly, as discussed by Helmke and Levitsky, different relationships between formal and informal institutions are created by the ways actors adopt them (Helmke and Levitsky 2004). In other words, understanding the interaction between formal institutions, informal institutions, and actors is necessary in order to understand the influence of institutions.

2.5.3 Structure and agency

One of the important recent areas of debate in the social sciences, which has relevance for our understanding of the relationship between

institutions and the behaviour of actors, is the relationship between structure and agency (Barnes 2003). One of the most widely known theories reflecting this relationship is the theory of structuration proposed by Anthony Giddens (Barnes 2003: 345). In this theory, Giddens claims that structure and agency are mutually dependent on each other, creating ‘duality’ (Giddens 1979: 69). This duality is further elaborated by Sewell’s assertion (1992) that ‘structures shape people’s practices but it is also people’s practices that constitute (and reproduce) structures’ (Sewell 1992: 4). Giddens refers to structures as ‘rules and resources that are organised as properties of social systems’ (Giddens 1979: 66). Giddens also refers to structure as a social object which is external to human action, and ‘a source of constraint on the free initiative of the independently constituted subject’ (Giddens 1984: 16). Since Giddens’ use of structure includes ‘rules,’ structuration theory similarly supports the analytical focus of this thesis which considers that rules and norms shape actors’ behaviours and vice versa.

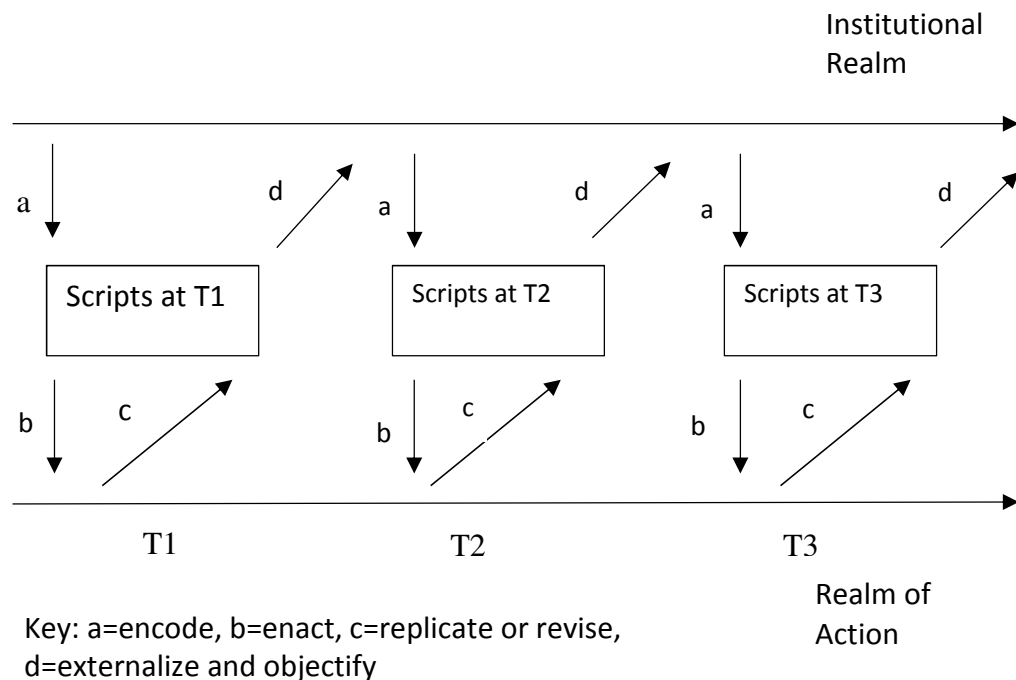


Figure 2: A sequential model of institutionalization

(Source: Barley and Tolbert 1997: 101)

Comparing structuration theory and theories of institution, Barley and Tolbert (1997) argue that both theories are complementary, sharing the premise that actions are shaped by institutions (Barley and Tolbert 1997:

112). Compared to theories of institutions, structuration theory has an explicit focus on the dynamics of how institutions are reproduced and created (Barley and Tolbert 1997: 112). Referring to the theory of structuration and the concept of duality, Barley and Tolbert (1997) provide a model that reflects how institutions influence action, and actions reflect back to institutions, as illustrated in Figure 2.

Compared to the theory of institutions, which has more emphasis on how institutions shape actions, the theory of structuration focuses on the interaction between action and institutions. As discussed by Ohanyan (2012) in her analysis of network institutionalism, this aspect is important in understanding how NGOs' behaviours are shaped by the networks within which they operate, and vice versa (Ohanyan 2012).

The research undertaken in this thesis acknowledges the importance of taking the structure-agency relationship into consideration and of understanding this duality, since agency could also influence structure, which later could influence agency. Structure-agency theory includes this iterative process of institutional evolution, which often occurs historically, and which can provide an important perspective for the analyses of the influence of rules and norms.

In the context of understanding the influence of rules and norms over the strategies of NGO coalitions, structuration theory provides insights into understanding these relationships. While rules and norms affect NGOs, NGOs can also affect rules and norms. This relationship can occur at different levels: as an example, NGO coalitions may lobby to influence the development of national legislation associated with NGO operations in a particular country, which in return could affect the operation of NGOs. Another example, at NGO coalitions' operational level, is that NGO coalitions may establish their own internal working rules which affect the way members operate within coalitions. While this thesis' main focus is on understanding how rules and norms affect NGO coalitions, it is important to keep in mind how NGO coalitions may also influence rules and norms, integrating the duality perspective of the structure-agency theory.

2.5.4 IAD Framework

The Institutional Analysis and Development (IAD) Framework is one of the models developed by rational choice institutionalism scholars, which integrates the process of actors' collective choice shaped through both institutions and rationality (Ostrom 1999). It is a model which integrates various aspects of new institutionalism, and has been applied in many different contexts (Ostrom, Gardner, and Walker 1994: 26). It is a framework for analysing 'how institutions affect the incentives confronting individuals and their resultant behaviour' (Ostrom 2005: 9). The framework was developed for analysing a wide variety of questions (Ostrom 2010b: 807). It was developed in order to integrate the work of various social science scholars including political scientists, economists, anthropologists, lawyers, sociologists, psychologists and other scholars analysing institutions (Ostrom 2005: 8). Thus, the IAD framework is compatible with multiple theories including economic theory, game theory, social choice theory, and theories of public goods and common-pool resources (Ostrom 2011: 8). The framework has been used to study various issues including privatization, macro-political systems, and public goods. However, as the framework was developed by scholars studying the use of natural resources, particularly of Common Pool Resources, a considerable amount of academic work has used the IAD framework to study the problems of Common Pool Resources and collective action among actors (Ostrom, Gardner, and Walker 1994: 26; Buck 1999).

The IAD framework is illustrated in Figure 3, and includes three exogenous variables which affect actors' behaviours, namely: 1) biophysical and material conditions, 2) attributes of community, and 3) rules-in-use. Physical and material conditions refer to the attributes of the physical and material world that may restrict actions and outcomes (Ostrom 1999: 54). The framework contains general sets of variables suitable for examining human interactions in a diversity of institutional settings (Ostrom 2010a: 646). The key concept of the IAD framework is to illustrate how external variables influence action situations (Ostrom 2010a: 646), where two or more actors are 'faced with a set of potential actions that jointly produce outcomes' (Ostrom 2005: 32).

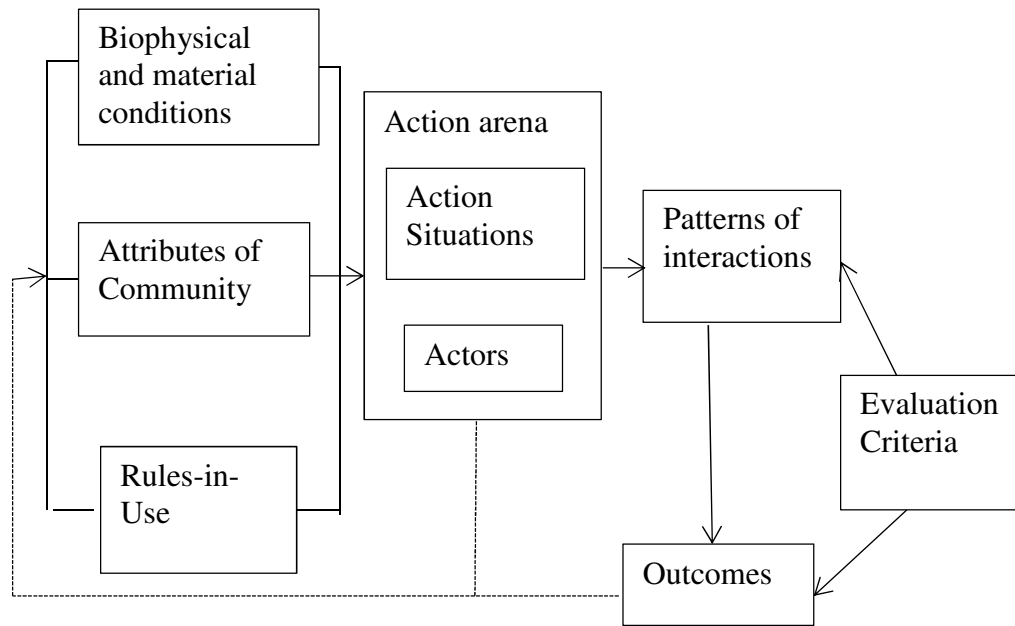


Figure 3: A Framework for Institutional Analysis

(Ostrom 1999: 42; 2010a)

Biophysical and material conditions are one of the exogenous variables that refer to the nature of resources affecting the action situations (Ostrom 2005: 22; McGinnis 2011: 174). Depending on whether resources have subtractability (actor A's consumption of the resource would affect the use by actor B) or levels of difficulty in excluding potential beneficiaries, resources are categorized into four types, as illustrated in Table 4 (McGinnis 2011: 174; Ostrom 2010a: 645). They are 1) common-pool resources which have difficulty in excluding potential beneficiaries and also have high subtractability, 2) public goods where difficulty of excluding potential beneficiaries is high but subtractability is low, 3) private goods with low difficulty of excluding potential beneficiaries and 4) toll goods which has low difficulty in excluding potential beneficiaries and low subtractability (Ostrom 2010a: 645).

The second element of the external variable is the attributes of the community. This variable includes 'norms of behaviour generally accepted in the community' or 'the levels of common understanding that potential participants share about the structure of particular type of action arena' and the term 'culture' is often used to describe this variable (Ostrom 1999: 57). This may include the history of interactions, the extent of

homogeneity/heterogeneity of the community, and the size and composition of the community (Ostrom 2010a: 646; 2005: 27).

Table 4: Four types of goods.

(Ostrom 2010a: 645; 2005: 24)

Difficulty of excluding potential beneficiaries	Subtractability of use		
		High	Low
	High	Common-pool resources: groundwater basins, lakes, irrigation systems, fisheries, forests etc.	Public goods: peace and security of community, national defence, knowledge of fire protection, weather forecast etc.
	Low	Private goods: food, clothing, automobiles, etc.	Toll goods: theatres, private clubs, daycare centers

Rules-in-use refers to the working rules used by actors (Ostrom 2011: 19). Ostrom defines working rules as ‘the set of rules to which participants would make reference to if asked to explain and justify their actions to fellow participants’ (Ostrom 1999: 51). Rules-in-use include a common understanding of who should and should not take certain actions (Ostrom 2010a: 647). The rules-in-use includes both formal and informal rules and norms. These informal working rules may define how members of the community may operate according to ‘logic of appropriateness’ (March and Olsen 1989), or in some cases, activities to be ‘embedded’ (Granovetter 1985) within the socio-cultural context of particular society.

The action arena is the social space where individuals interact and activities take place (Ostrom 1999: 42). It is a dependent variable in the context of the IAD framework (Ostrom 2005: 16). The action arena consists of two components: actors and action situations (Ostrom 2005: 13). The action situation is referred to as ‘situation when two or more individuals are faced with a set of potential actions that jointly produce outcomes’ (Ostrom 2005: 32). Patterns of interactions are created as a result of action situation, which result in an outcome. Some of the activities feed back into exogenous variables.

Existing studies which applied the IAD framework found it to be general enough to allow its application across a diverse range of issues and levels (Smajgl, Leitch, and Lynam 2009: 150). The framework was also

found to be useful for analysing rules and how they affect behaviours of individuals and organisations (Imperial 1999). Another study found that the IAD framework provides more levels of detail compared to other existing institutional frameworks (Ghorbani, Dignum, and Dijkema 2012: 96). Some scholars have also attempted to use the IAD framework to explain the role of NGOs in conflict resolution (Nesbit 2003), or civil society actors in their struggle against hydropower dams (Myint 2005). Carlsson (2000) describes policy networks as collective action, and suggests the use of the IAD framework as a way to analyse policy networks (Carlsson 2000). Carlsson (2000) values the IAD framework for the analysis of policy networks as it provides a framework for context sensitive analysis (Carlsson 2000: 513). While the IAD framework is certainly a useful framework for understanding the institutional factors affecting the advocacy strategies of NGO coalitions, examples of the use of the framework for this purpose are still limited to date, constituting a gap in the application of the framework.

The IAD framework provides a useful basis for the analysis in this thesis for several reasons. Firstly, the IAD framework aims to explain how institutions affect the behaviour of actors, particularly with its focus on how rules affect behaviour (Ostrom 2005: 9). Secondly, the framework provides an explanation of different elements affecting a community, and an analysis of their interactions in adopting these elements. This approach supports the analysis of how interaction occurs among rules, norms and actors. Finally, the framework can be applied by different scholars using a variety of theories (Ostrom 1999: 40). While the IAD framework bases its fundamental principle on rational choice institutionalism, it also accommodates aspects of other varieties of new institutionalism including historical aspects and cultural appropriateness. This flexibility in the framework allows researchers to accommodate and adjust the inclusion of factors most suitable for the specific research objective.

2.6 Conclusion

This chapter reviewed and analysed the literature discussing advocacy strategies, factors influencing NGOs, and rules and norms and their influence over actors' behaviour. The analysis clarified four key

findings which support the development of the analytical approach developed for this thesis.

The first finding is that the existing literature has already discussed the ways that rules and norms affect actors' behaviour, including NGO behaviour (Lawrence, Hardy, and Phillips 2002; Ho and Edmonds 2008; Brinkerhoff 1999; Bryant 2001). However, an understanding of how this influence occurs is less developed. This finding justifies the starting point of this thesis which assumes that rules and norms influence actors' behaviour. Therefore, the focus of this thesis will be on examining *how* rules and norms influence the advocacy strategies of NGO coalitions, without first asking a question of whether or not they *do* influence them.

The second finding is that an understanding of the influence of rules and norms requires an understanding of how actors interact and adopt rules and norms in their actions (Bryant 2001; Helmke and Levitsky 2004; Ostrom 2005). This approach is prevalent in the IAD framework, and the study of relationships between formal and informal institution by Helmke and Levitsky (Helmke and Levitsky 2004). The third finding is that in understanding networks, it is important to identify relationships and resource dependency among actors (Keck and Sikkink 1999; Jordan and van Tuijl 2000; Rhodes 1997). This relationship is also important in understanding how rules and norms are adopted by network members. The second and the third findings emphasise the importance of understanding interactions, which is a key concept in this thesis' analysis.

Finally, new institutionalism provides a most relevant focus for better understanding the influence of rules and norms on actors' behaviour.

Based on this analysis of the existing frameworks and theories used to study the influence of rules and norms on behaviour, the next chapter develops the methodology used in the analysis of this thesis' research question.

Chapter 3 Methodology

3.1 Chapter introduction

Based on the theoretical overview discussed in chapter 2, this chapter identifies the research methodology used to answer the research question of this thesis. First of all, an analytical framework is developed. Secondly, a comparative case study approach, which is used in this thesis, will be discussed. Thirdly, data collection and analysis strategies are presented and discussed. The chapter concludes with an illustration of how the analytical framework will be used to structure this thesis.

3.2 Analytical framework

The previous chapter claimed that new institutionalism is a theoretical approach which is well-suited for the analysis used in this thesis. An analytical framework will be developed in this chapter which combines various approaches and concepts which were identified in the review. As discussed in section 2.5.4, the IAD framework was identified as a useful basis for developing this thesis's analytical framework, due to its adaptability to different purposes, the inclusion of key components necessary for the analysis, and its focus on understanding the interaction among rules, norms, actors and other factors. The IAD framework is therefore used as a point of departure and modified to suite the need of this thesis. The revised and developed analytical framework is presented in Figure 4.

One of the modifications of the framework is based on the finding from the literature that identifies the importance of understanding the interaction among rules, norms and actors. This aspect was identified through the literature discussing relationships between formal and informal institutions (Helmke and Levitsky 2004), structuration theory (Giddens 1984), and the literature on NGOs discussing the influence of institutions (Lawrence, Hardy, and Phillips 2002). The original IAD framework only focuses on one-way relationships (albeit in a circular loop) as institutions are considered to be exogenous variables explaining action situations. The modification of the framework was made so that there is now a two-way

relationship where rules and norms affect actors, but actors also affect rules and norms.

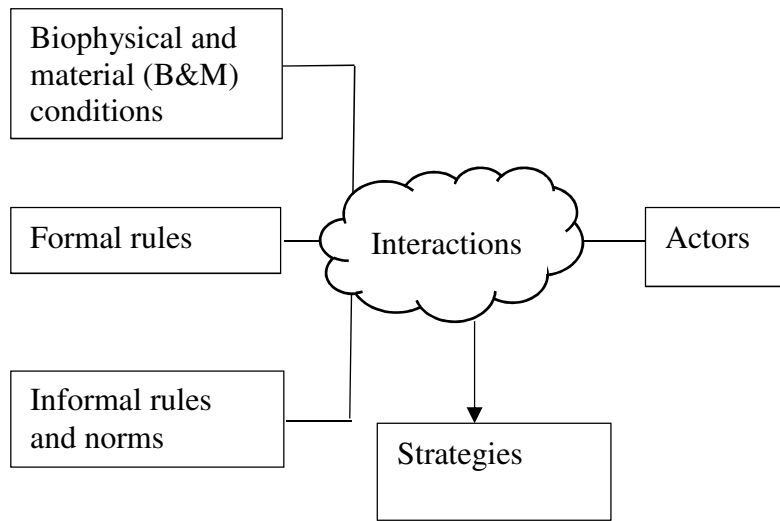


Figure 4: Analytical framework of this thesis

Secondly, the relationship and interaction among actors was also identified in the literature as an important factor determining how rules and norms affect actors (Helmke and Levitsky 2004). The original IAD framework already integrates this point through its emphasis on action situations, where two or more sets of actors interact within an action arena. Ostrom admits that it has created confusion to include all ‘action arenas’ ‘action situations’ and ‘actors’ in the framework, since actors are already an integrated part of action situations which take place within an action arena (Ostrom 2011). As ‘arena’ is not specifically identified in the literature as an important factor, but rather the ‘interaction of actors,’ the thesis’ framework focuses on actors and their interactions.

Exogenous variables have been modified to suit the need of this thesis, which is to understand how rules and norms affect strategies. As discussed in section 2.2, the thesis will divide these concepts into ‘formal rules’ and ‘informal rules and norms.’ The original term ‘attributes of the communities’ and ‘rules in use’ are replaced by these two key concepts. ‘Biophysical and material conditions (B&M conditions)’ remain in the framework, as this factor gives an important aspect in the case study

analysis of the use of water resources in the Mekong River. Here a resource perspective becomes an important factor which affects actors' behaviours.

The component 'outcome' from the original IAD framework is replaced by 'advocacy strategies' in order to provide specific meanings to the 'outcomes' applicable in this analysis. The feedback arrow from outcome to exogenous variables, as well as 'evaluation criteria' are removed from the framework as they are beyond the scope of this thesis.

3.3 Research Method

3.3.1 Case study approach

The analytical framework developed in the previous section was then used to answer the research question 'how do rules and norms influence the advocacy strategies of NGO coalitions.' A comparative case study method is used since this is a research strategy considered suitable to answer 'why' and 'how' questions. The method also enables the researcher to deal with linkages needing to be explained or traced over time, and suitable for conducting in depth analysis (Yin 2003; Sarantakos 2005: 212). In order to examine how different rules and norms influence the advocacy strategies of NGO coalitions, a comparative case analysis was conducted of NGO coalitions that are active in the same issue, while operating under different rules and norms. By comparing cases, the research aims to analyse and develop explanations which also constitutes the methodological core in comparative politics (Almond et al. 2004: 31).

As a research context, the advocacy work of NGO coalitions associated with the hydropower development plan within the Mekong River was chosen as a case. More specifically, the thesis studied the advocacy strategies of NGO coalitions attempting to influence the involved states' decision-making during the Prior Notification and Prior Consultation Agreement (PNPCA) process for the Xayaburi hydropower dam, planned at the Lao PDR's geographical location along the Mekong River. This research context was selected for several reasons. First of all, as the Mekong River is a transboundary river, the impact from the Xayaburi hydropower dam in the Lao PDR is expected to occur within other downstream countries, notably Thailand, Cambodia, and Vietnam. This transboundary nature of the project

stimulated the activities of NGO coalitions in all the affected riparian countries, providing an opportunity to compare the actions of different NGO coalitions operating under different rules and norms, yet working on the same issue. Secondly, the Xayaburi hydropower dam is the first project on the Mekong River which utilized the PNPCA process, one of the procedural rules under the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (1995 Mekong Agreement). The 1995 Mekong Agreement has been the legal regime governing the Mekong River for the past fifteen years, and the findings from this thesis have the potential to provide input into the future governance of the Mekong River under the 1995 Mekong Agreement regime. Considering a large number of similar development projects proposed within the Mekong River Basin, the findings are expected to have practical application beyond the case of the Xayaburi dam. Finally, the author's previous working experience with NGOs in the Mekong region gives her an added advantage in terms of research insights and contextual understanding, as well as her personal contacts, all of which add depth to the study. The study on the PNPCA process with reference to the Xayaburi hydropower dam is also important from an academic point of view, as it was the first case where the PNPCA procedural rule was applied.

As comparative cases, NGO coalitions operating in Cambodia and Vietnam were chosen for several reasons. The main rationale for choosing these two countries is the comparative approach known as 'method of difference' which compares two similar cases which differ in respect to the variables that are the subject of the study (Hopkin 2010: 291). In the context of the Xayaburi hydropower dam, both Cambodia and Vietnam are located downstream of the dam, and neither country would benefit from this hydropower development. The main beneficiaries are Thailand and the Lao PDR as the Xayaburi dam is located in the Lao PDR, constructed with investment from Thailand, and most electricity generated by it would be used in Thailand (Mekong River Commission Secretariat 2011: 10). Secondly, Cambodia and Vietnam represent two different types of political systems which exist among the four riparian countries, who are involved in the decision-making process for the Xayaburi dam: Cambodia and Thailand are democracies whereas the Lao PDR and Vietnam are communist

countries ruled by one political party. Comparing cases operating within different political systems will highlight these differences, particularly in formal rules, which are important factors shaping political systems. This comparison also allows a certain level of generalization of similar networks within the Mekong region, as the two cases represent two major political systems existing within the region (Sarantakos 2005: 98). Thirdly, existing studies on NGO networks in Cambodia and Vietnam are limited, compared to those in Thailand that has a longer history of NGO and civil society movements on dams. The Lao PDR was not selected as a case study since NGO activities, particularly on hydropower dams, was limited. However, the study aims to bring insights into the linkages between rules and norms and advocacy strategies of NGO coalitions from neighbouring countries, which could be of interest to the future development of NGOs in the Lao PDR.

During the PNPCA process, a coalition of NGOs and civil society actors were active both in Cambodia and in Vietnam: In Cambodia, the coalition is known as the Rivers Coalition in Cambodia (RCC), and in Vietnam, it is the Vietnam Rivers Network (VRN). At the time of the field research conducted for this thesis, there were no other major domestic NGO networks that were active during the PNPCA process. Therefore, these two networks were chosen as case studies for this thesis. The period of advocacy activities studied is from September 2010 until August 2012. This timeframe was chosen from several reasons. First of all, September 2010 is the date when the Lao PDR informed the Mekong River Commission (MRC) of its intention to build the Xayaburi dam, thus instigating the PNPCA process. During the following two years, various activities were conducted both by states and non-state actors. This provided a sufficient amount of information to conduct case studies.

3.4 Data Collection and Analysis Strategy

The data collection and analysis strategy for this thesis involves three key methods: 1) desktop document analysis and literature review, 2) interview and field observations, and 3) text analysis using a grounded theory approach. This three-pronged approach also allows triangulation in

the analysis of the data. This overall approach is illustrated in Figure 5, and the analysis using these three methods aimed at identifying relationships between rules, norms and the advocacy strategies of NGO coalitions. The following section discusses in detail how these three methods were applied in the research.

3.4.1 Desktop document search and literature review

A desktop document search and literature review was conducted throughout the research in order to identify variables related to each element of the analytical framework and to provide background information and understanding of the rules, norms and context of the case. A backwards and forwards process between literature and other forms of data is part of the Grounded Theory approach described in more detail below. A Categorical analysis of some of these documents was used as one of the methods to identify important variables. Categorical document analysis is a systematic analysis of documents, based on emerging categories identified by the researcher (Sarantakos 2005: 294), and this method was used to identify potential rules and norms which might have the ability to influence NGO coalitions behaviour. This process of on-going document analysis was conducted throughout the research.

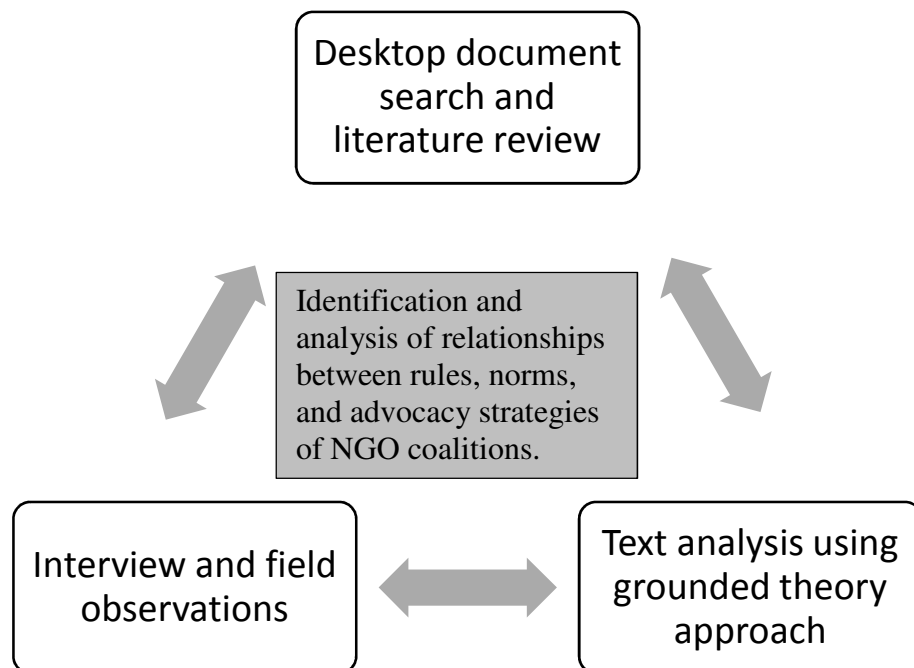


Figure 5: Approach to data analysis

3.4.2 Interviews and field observation

Semi-structured interviews were conducted with key informants during two periods of fieldwork in the Mekong region. The analysis of these interviews further identified potential relationships between rules, norms and NGO coalitions' strategies. The interviews were conducted with the aim of obtaining an understanding of 1) strategies adopted by the case study coalitions during the Xayaburi hydropower dam PNPCA process, and 2) key informants' perceptions on how rules and norms affected advocacy strategies of NGO coalitions over the Xayaburi hydropower dam during the PNPCA process. Furthermore, they were used to 3) obtain supplementary information about rules, norms, actors and advocacy strategies of NGO coalitions relevant to the case studies. Prior to the interviews, indicative questions were developed in order to help guide the interview process (see Annex I).

The interviews were conducted with key informants who had an understanding of the social context and with NGOs in the case study areas. In order to gain a balanced view of the research subject, informants who were not members of the NGO coalitions as well as members of the case study NGO coalitions were interviewed. Interviewees were selected initially through identification of the key individuals engaged in the NGO coalitions. The author's existing contacts with NGO actors within the region facilitated access to these actors. Further interviewees were identified using the snowball sampling method, where the interviewer asks interviewees for suggestions for other people to be interviewed on the subject matter (Sarantakos 2005: 165). Most interviews were conducted during the author's field visits in the Mekong region in November 2011, and June-August 2012. A total of 72 informants were interviewed. While most of them were interviewed once, some informants were interviewed twice.

Three categories of interviewees were identified; interviewees who were familiar primarily with case study issues in Cambodia (35 interviewees, 3 interviewees were interviewed twice); interviewees who were familiar primarily with case study issues in Vietnam (26 interviewees, 3 interviewees were interviewed twice); and interviewees who were familiar with case studies in the Mekong regional context (11 interviews, 2 interviewees were

interviewed twice). Interviews are cited anonymously in this thesis; Cambodian interviews are indicated with letter C followed by an interviewee number, Vietnamese interviewees are cited with letter V followed by an interviewee number, and regional interviewees are cited with letter R followed by an interviewee number. Interviews were recorded upon receiving consent from the interviewees, and all the recordings were transcribed. When interviewees did not want to be recorded, interview notes were taken upon receiving permission from the interviewees. Interviewees were provided with an information sheet (Annex 2) which explained how interview data would be used and which informed them of their right to withdraw from an interview at any point. Informed consent was obtained either verbally or by writing.

Interviews were conducted in English when interviewees were comfortable with their command of English. Out of 80 interviews conducted, 3 interviews required assistance of local translators, and the remainder of the interviews were conducted in English. Access to interviewees was a relatively easy process except where government officials were concerned, particularly in Vietnam. This may be due to the fact that the inter-governmental negotiation over the Xayaburi dam was still under way at the time of the field work, and some of the government officials may have felt it too sensitive to openly discuss the Xayaburi dam with a researcher.

In addition to the interviews, the research benefited from observations made by the author. There were two types of observations. First, the type that took place during the field work, where the author had the opportunity to attend a total of seven workshops and meetings of NGO and civil society actors on associated topics. In addition, a field visit to the Xayaburi dam site was conducted in November 2011 in order to gain first hand understanding of the research context. The second type of observation was based on the author's experience of living and working with NGOs and international organizations in Southeast Asia, particularly in the Mekong region, for seven years, from 2002-2009. This initial period of observation equipped the author with a basic understanding about the societies, and the rules and norms existing in the case study region. Information obtained through these observations enhanced the author's understanding and analysis. A list of interviews and observed meetings is included in Annex 3.

3.4.3 Text analysis using grounded theory approach

As the main focus of this thesis is in understanding the relationship between rules, norms and advocacy strategies of NGO coalitions, the thesis bases its scientific ontology on constructionism, which considers reality as being constructed, and bases its epistemology on interpretivism, which takes the approach that meaning is constructed through interpretation of individuals (Sarantakos 2005: 37-40). This ontology and epistemology provides a basis for qualitative analysis, and the rationale for the use of interviews and the researcher's interpretation as a way of understanding the relationships between rules, norms and advocacy strategies of NGO coalitions.

Field data, including transcriptions and interview notes, were analysed through careful readings and identification of the recurring themes and relationships among rules, norms and advocacy strategies of the case study coalitions. This method of text analysis builds upon grounded theory, which allows researchers to identify recurring themes through analysis of empirical data (Tischer et al. 2000: 76-77; Glaser and Holton 2004). Grounded theory is a useful approach for this thesis, as it facilitates the analysis and identification of the relationships between rules, norms and advocacy strategies of NGO coalitions. However, the approach adopted for this thesis does not follow grounded theory in its strict sense, as grounded theory requires researchers to analyse the data without any preconceptions (Grix 2004: 111). Since the research focused on identifying relationships between rules, norms and advocacy strategies by establishing key criteria and a study objective in advance, it did not strictly follow the coding procedure of grounded theory (Corbin and Strauss 1990; Holton 2007: 266). However coding was used as a tool to assist in identifying key concepts and themes linking rules, norms and advocacy strategies. ATLAS Ti, which is a research software supporting text analysis, was used to code interview data to identify recurring themes.

The main sources of data included documents and interviews which were used in an in-depth qualitative case study (Yin 2003: 86). These were collected through desktop reviews and field work. As the PNPCA process had already taken place prior to the author's field work, opportunities for

direct observation of this process were limited. However, during the field work, the research took advantage of any opportunities that arose for direct observation that could assist in a better understanding of the characteristics and operational context of the NGO networks. The key steps in data collection and analysis are summarized in Table 5.

Table 5: Steps of analysis

Step	Activity	Source of data	Method
1	Initial identification of formal rules, informal rules and norms.	Law, policy, and formal rules at Mekong region, Cambodia, Vietnam, and within NGO coalitions. Literature on political culture.	Desktop search and literature review.
2	Identification of key actors involved in the Xayaburi dam, their roles, responsibilities, and relationships.	Organizational web sites, literature on the Mekong river and the Xayaburi dam.	Desktop search and literature review.
3	Identification of biophysical and material conditions.	Literature on the Mekong river and the Xayaburi dam.	Desktop search and literature review.
4	Identification of strategies and tactics adopted by the case study coalitions, and their background.	Web search. Informants.	Desktop search. Interviews. Observation. Literature review.
5	Analysis of interview data to identify recurring themes and key concepts linking rules, norms and advocacy strategies. Further identification of relevant formal and informal rules and norms.	Interview records (notes and transcripts) and any additional data collected during the field work.	Text analysis using grounded theory methods.
6	Review of literature associated with key themes.	Literature.	Literature review.
7	Analysis of interaction between rules, norms and actors. Answer the research question.	All the data above.	Final integrated analysis.

When conducting interviews and analysing data, the reflexivity of research-researcher relationship needs to be taken into consideration (Finlay and Gough 2003). The author's past history in working within the NGO sector in both Cambodia and Vietnam provided an environment where NGO interviewees may have felt at ease when speaking with the author. In addition, introductions to most informants through the author's personal contacts, which she had developed prior to the research, may have allowed the interviewees to experience a certain level of connection with the author. The author's background and the familiarity with the region supported an

enhanced understanding of the interviewee's responses and their working contexts. However, such existing knowledge could influence the researcher's understanding of the context and analyses of the data. Efforts were therefore made to overcome this barrier through conducting interviews with several interviewees on the same subject matter, as well as through triangulation of research data.

3.5 Chapter conclusion

This chapter presented the methodologies employed in conducting this research. Based on the theoretical overview discussed in chapter 2, new institutionalism was identified as theoretical ground for this thesis. The Institutional Analysis and Development (IAD) Framework was adopted as a basis to develop the analytical framework of this thesis. The IAD framework was however modified through integrating key insights from the literature review, and through highlighting key aspects of the research question. The chapter also discussed data collection and data analysis strategy. The use of comparative case studies was selected in order to highlight how different rules and norms affect advocacy strategies of NGO coalitions working over the same hydropower dam issues. Data analysis methodology was based on three types of analytical methods: desktop document search and literature review, interviews and field observations, and text analysis based on grounded theory.

This research methodology, particularly the analytical framework, shapes the structure of this thesis. Figure 6 illustrates how key components of the analytical framework are discussed in each chapter.

In part II of this thesis, three key components that are considered to affect advocacy strategies are discussed: biophysical and material conditions (chapter 4), actors (chapter 5) and rules and norms (chapter 6). Each chapter discusses the components that are applicable for both Cambodian and Vietnamese case studies. Two remaining components (strategies and interactions) are discussed in part III (chapter 7-11) of this thesis.

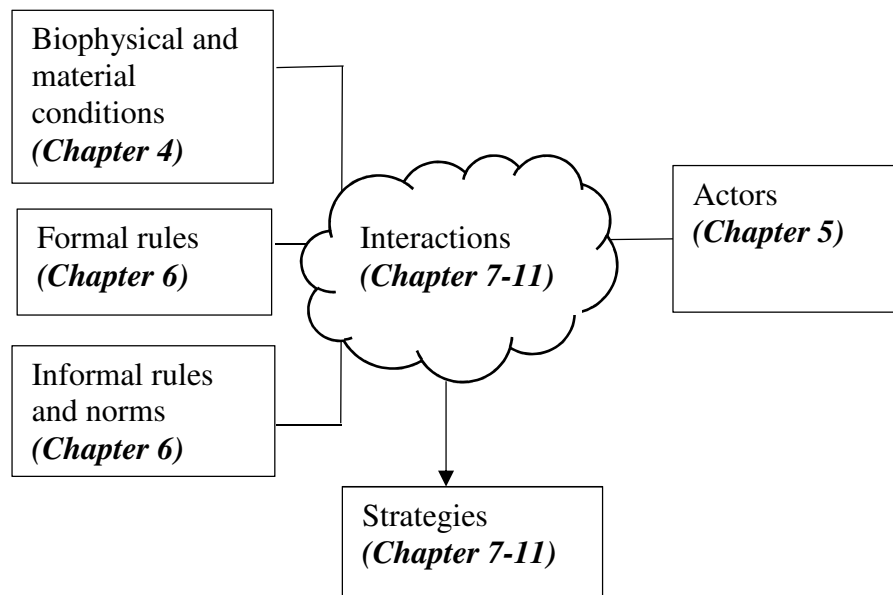


Figure 6: Structure of the thesis based on the analytical framework

**PART II: BIOPHYSICAL AND MATERIAL CONDITIONS,
ACTORS, RULES AND NORMS**

Chapter 4 Biophysical and material conditions

4.1 Chapter introduction

This chapter provides an introduction to the biophysical and material conditions associated with the case study, as this is one of the key components of the analytical framework. The thesis examines the advocacy strategies of the Rivers Coalition in Cambodia and the Vietnam Rivers Network, over the Xayaburi hydropower dam on the Mekong River. Therefore, this chapter first introduces a general resource perspective on the Mekong River, followed by a description of hydropower dam development and future hydropower potential on the Mekong River. The chapter also provides an introduction to the Xayaburi hydropower dam, and its potential impact on Cambodia and Vietnam. The results of the literature and document review, together with results of the interviews conducted as part of this thesis, are used in this chapter. The chapter concludes with a discussion of key findings from this chapter.

4.2 Resource perspective of the Mekong River

The Mekong River is the longest river in Southeast Asia, and the tenth-largest river in the world, with a total drainage area of 795,000 km² and an approximate length of 4,900 km (Mekong River Commission undated-b). The river originates in the Tibetan Plateau of China, flowing through Myanmar (formerly called Burma until 1989), the Lao PDR, Thailand, Cambodia, until finally entering the sea in the Mekong Delta in Vietnam (Mekong River Commission undated-b). Figure 7 illustrates the location of the Mekong River Basin in relation to the riparian countries' geographic locations, as well as planned hydropower dams on the mainstream of the river

The river provides important sources of livelihoods for the riparian populations; there are 60 million people living in the Lower Mekong Basin alone (Mekong River Commission 2010b: 3). The Mekong's fishery is one of the largest freshwater fisheries in the world, with an estimated value of 3.9-7.0 billion USD annually (Mekong River Commission 2010b: 13). In Cambodia, where one of the case studies of this thesis is located, the

fisheries sector provided employment to approximately 6 million people in 2007, including people engaged in fisheries on a part-time basis (Joffre et al. 2012: 1). Eighty percent of animal protein intake by Cambodians comes from fish (Joffre et al. 2012: 1; Hortle 2007: xi; C7 2012). Agriculture is one of the most important economic activities in the Lower Mekong basin, totalling 10 million hectares for rice production (Mekong River Commission 2010b: 8).



Figure 7: A map of the Mekong River Basin and location of planned hydropower dams on the mainstream of the Mekong River

(Source: ICEM 2010b: 15)

Agriculture, particularly in the lower part of the river, depends on fertile soils enriched with sediment from the Mekong River (Mekong River Commission 2010b: 8). The Mekong Delta is considered the ‘rice bowl’ of Vietnam, and is one of the most important and fertile regions of Vietnam.

Irrigation is one of the largest water uses in the Lower Mekong Basin (LMB), which includes Cambodia, Thailand, the Lao PDR and Vietnam (Mekong River Commission 2010b: 9). The Mekong River is also home to a wide diversity of species, and home to some of globally threatened species such as the Irrawaddy Dolphin, Siamese Crocodiles and Giant Catfish (Mekong Wetlands Biodiversity Conservation and Sustainable Use Programme 2005). The estimated number of fish species living in the Mekong River varies between 758-1500 depending on the report (Mekong River Commission 2003: 5; Baran, Jantunen, and Kieok 2007: 12; Orr et al. 2012: 926; WWF 2013).

4.3 Hydropower development on the Mekong River

The large volume of the water associated with the river has attracted hydropower dam engineers for many years. The estimated potential hydropower capacity of the whole basin is in the order of 50,000-64,750 megawatt (MW), of which 30,000 MW is within Cambodia, Thailand, the Lao PDR and Vietnam, comprising the Lower Mekong basin (LMB) (Mekong River Commission 2010b: 20; ICEM 2010b: 11). Seventy percent of the hydropower potential within the LMB is located within the Lao PDR (Mekong River Commission 2010b: 20). The Mekong River and surrounding natural resources have also attracted the interest of non-riparian nations, particularly from the West. France, for example, was one of the first nations which sent their explorers to this river through the work of the Mekong Exploration Commission, as early as in 1866 (Keay 2005: 289). The potential for tapping into this resource and political power struggles among nation states are closely linked to the governance of the river and to plans for developing hydropower dams. This historical perspective is an important factor which has shaped current resource use and the interests of different actors, affecting the resource perspective of the case study.

The modern attempt to manage the use of the Mekong River commenced in the 1950s, with the support of the United Nations and the 'Western Block' states during the Cold War, particularly the United States (Bakker 1999: 213). The Mekong Committee was established in 1957, consisting of the four lower Mekong states namely Cambodia, Thailand, the

Lao PDR and Vietnam (Jacobs 1995). The Committee was established through facilitation and support by the United Nations Economic Commission for Asia and the Far East (ECAFE, which was later renamed the United Nations Economic and Social Commission for Asia and the Pacific) (Jacobs 1995: 138). Two riparian states did not take part in the early Mekong Committee: China was not a member of the ECAFE at the time, which precluded its participation, and Burma was not interested in participating (Jacobs 1995: 139).

The focus of the Committee was to plan for the socio-economic development of the Lower Mekong countries through large scale infrastructure projects such as hydropower, irrigation and flood control projects (Jacobs 1995: 139). The cascade of dams on the mainstream was planned during this time (Hirsch 2010: 313). The United States was the largest non-riparian donor to the Committee during this period, which coincided with the early stage of the Cold War. Providing a blue print for lifting the Lower Mekong countries out of poverty through hydropower development was one of the political strategies that the United States adopted in order to attract the Mekong countries into the Western Block (Jacobs 1995: 139; Hirsch 2010: 313; Middleton, Garcia, and Foran 2009: 26).

The work of the Committee and the development of hydropower dams faced difficulty during the period of political instability in the region in the 1970s (Jacobs 1995). The Lao PDR experienced a civil war from 1953-1975 which reflected a fight between the Vietnamese backed communist group Pathet Lao and the United States-backed monarchy (Stuart-Fox 1997). Cambodia also faced internal conflict during the 1970s-80s. The brutality of the Cambodian conflict reached its peak when the Khmer Rouge took over power in 1975, forcing the majority of Cambodian citizens into collective agricultural labour in severe conditions, and killing thousands of their own people (Vickery 1984). During the same period, Vietnam was a major battle field of the Cold War, with fighting continuing for 20 years until the mid-1970s (Allen 2008). These political instabilities hindered the participation of riparian countries in the Committee, neither Cambodia, Vietnam, nor Laos appointed members to the Committee between 1976 and 1977 (Jacobs 1995: 143). Though Laos and Vietnam

resumed their participation in the Committee in 1978, the Khmer Rouge controlled Cambodian government did not join the Committee. This lack of full membership had a significant impact on development projects related to the Mekong River. The Joint Declaration of Principles for Utilization of the waters of the Lower Mekong Basin, adopted by the member states of the Committee, did not allow unilateral appropriation of mainstream water without prior approval by the other basin states (Article X *1975 Mekong Joint Declaration* 1975; Jacobs 1995: 143). In addition, the deteriorating political situation in the region contributed to the decline of funding for the Committee (Jacobs 1995; Middleton, Garcia, and Foran 2009: 8). As an attempt to resume the work of the Committee, the Interim Mekong Committee was established in 1978 with Thailand, Vietnam and Laos as members. However, the operation of the Interim Committee struggled due to even lower levels of funding (Jacobs 1995: 143).

While hydropower projects on the mainstream were therefore halted due to the political instability in the region, projects on the tributaries progressed in the 1980s and early 1990s. In Thailand, the Pak Mun dam on the Mun river, one of the tributaries of the Mekong, was completed in 1994 with partial funding from the World Bank (Nippanon et al. 2000). The construction of the Yali falls dam in Vietnam started in 1993 on the Se San river, another tributary of the Mekong; the dam is located approximately 70-80 kilometres upstream from the Cambodian border (Hirsch 2010; International Rivers 2002). In the Lao PDR, several tributary dams were also built in the 1990s with partial or full funding from the Asian Development Bank (ADB), such as the Xeset dam, the Nam Leuk dam, and the Theun Hinboun dam (Hirsch 2010). In addition, the Nam Then 2 dam in the Lao PDR, which is the largest of all the tributary dams, with a capacity of 1107 MW, and financed by the World Bank, created a decade of controversy among proponents and opponents of such developments (Hirsch 2010: 316). Despite such controversy the dam was finally built and commenced operation in 2010 (Nam Theun 2 Power Company undated).

Political stability in the Mekong region was regained with the signing of the Paris Peace Agreement in 1991, which ended decades of internal conflict in Cambodia. The Cold War also ended in the early 1990s with the collapse of the Soviet Union (Middleton, Garcia, and Foran 2009:

27; Bakker 1999: 214). As political stability returned to the region the international community revived its efforts to bring the basin countries together for the management of the Mekong River. With the facilitation of the United Nations Development Programme (UNDP), the Mekong Working Group was established in 1993 among Cambodia, Laos, Thailand and Vietnam in order to conduct preparatory work on the formulation of a new framework for cooperation within the Mekong riparian nations (Mekong Secretariat 1994: 6). As a result of this work, the four LMB riparian countries signed the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin in 1995 (1995 Mekong Agreement). The Agreement established the Mekong River Commission (MRC) which is an institutional framework for the member states to cooperate (Article 11 *Mekong Agreement* 1995). The institutional framework under the 1995 Mekong Agreement will be discussed further in chapter 5.

As peace and stability were regained in the region and a new governance regime for the Mekong River was established the western bilateral aid agencies, the World Bank, and the ADB re-activated their interest in investment and aid opportunities (Middleton, Garcia, and Foran 2009: 28). The development of hydropower dams, particularly on the Mekong's mainstream, was one of the priorities of these international donors (Middleton, Garcia, and Foran 2009: 28). With financial support from the French government and the UNDP, the Mekong Secretariat conducted a study investigating the possibilities for run-of-the-river hydropower projects on the mainstream of the Mekong River in 1994 (Mekong Secretariat 1994: 31). The Xayaburi hydropower dam, which is the main context of this thesis's case study, was identified as a potential project in this Mekong Secretariat's study (TEAM Consulting Engineering and Management Co. Ltd. 2008: Section 1-1).

The end of political conflict in the region also brought opportunities for economic development through regional integration. As a major framework for regional economic development, the Greater Mekong Sub-region (GMS) programme was launched by the ADB and was endorsed by the region's governments in 1992 (Middleton, Garcia, and Foran 2009: 28). The GMS programme emphasized the physical interconnectivity of the

region, proposing major infrastructure projects including hydropower dams and regional transmission lines (Middleton, Garcia, and Foran 2009: 28; Asian Development Bank 2012).

By the time the MRC was established increased pressure and criticism of the impacts of large-scale hydropower dam was highlighted globally, creating additional hurdles for dam developers in implementation of their projects. In 1997, the World Bank and the International Union for Conservation of Nature (IUCN) initiated a global stakeholder dialogue on large dams, resulting in the establishment of the World Commission on Dams (WCD) in 1998 (Moore, Dore, and Gyawali 2010). In 2000, the WCD conducted a review of the impacts from large dams globally and produced a set of recommendations to minimize negative impacts (World Commission on Dams 2000). The Pak Mun dam built on the tributary of the Mekong River in Thailand, was used as a case study by the WCD. The study pointed out the economic inefficiency of the dam and the negative impacts on livelihoods, indicating that the dam should not have proceeded in its current setting if a proper assessment had been conducted (Nippanon et al. 2000: iv-xiv).

Civil society movements against large hydropower dams also became strong in Thailand in the 1980s (Jacobs 2002). Five major dam projects were subject to public protest and only one of them was built, the Pak Mun dam (Bakker 1999: 216). Even though it was built, the Pak Mun dam faced strong public protest. This resulted in the altering of its operation and the opening of the dam gate for four months of a year to allow fisheries to continue. This impacted negatively on the output capacity from the dam (Foran 2006; Mekong Watch 2002).

By the late 1990s, there was a sentiment of wariness towards large scale dam development among donors to the MRC, and their support to the Commission's work diverted to environment and fisheries (Hirsch 2010: 317). In addition, the Asian financial crisis in 1997 affected the economy of the region, and hit Thailand in particular. This in turn reduced the need for new sources of electricity (Middleton, Garcia, and Foran 2009: 32). Therefore, the development of hydropower dams on the Mekong appeared to no longer be a priority. However, as the region's economy recovered in the late 2000s the plans for development of mainstream hydropower dams

re-appeared on the agenda (Hirsch 2010: 317). This time the plan was picked up by relatively 'new' players in the region: private-sector hydropower developers primarily from Thailand, Vietnam, China and Malaysia (Middleton, Garcia, and Foran 2009: 23). As of 2010, there were twelve hydropower project plans within the mainstream of the LMB. Ten of them were located within the territory of or on the border of the Lao PDR, and the rest of the planned construction was located in Cambodia (ICEM 2010b: 30-31).

Responding to growing concerns over the social and environmental impacts of hydropower dams, together with increased interest in the development of hydropower dams on the Mekong, the MRC Council approved a change to the existing MRC hydropower programme in 2005, and the Initiative on Sustainable Hydropower (ISH) commenced its operation in 2008 (Mekong River Commission 2006a: 30; 2008: 25). At the same time, the MRC started to collaborate with the ADB and the World Wide Fund for Nature (WWF), an international environmental NGO, in formulating environmental criteria for hydropower development (Mekong River Commission 2006b: 42). Headed by a new Chief Executive Officer (CEO) whose previous experience included working at the secretariat of the World Commission on Dams (WCD), the ISH conducted a series of multi-stakeholder consultation dialogues on hydropower dams in 2008 (Mekong River Commission 2008). These dialogues aimed to engage various actors in the debate over hydropower dam development.

In 2008 the decision was made to conduct a strategic environmental assessment (SEA) of hydropower dam plans on the mainstream of the Mekong River (Mekong River Commission 2008: 26). The SEA study was commissioned by the MRC, and conducted by the International Centre for Environmental Management (ICEM), an international consultancy firm based in Hanoi (ICEM 2010b). The SEA report which was finalized in 2010, recommended a 10 years deferral of mainstream hydropower dams until further studies on their impact could be conducted (ICEM 2010b). The SEA report became the source of much debate on hydropower dam issues within the region and its recommendations were used as a reference point by NGOs, as well as by international donors, journalists and some of the MRC member countries, in their arguments related to the Xayaburi hydropower dam (The

Socialist Republic of Viet Nam 2011; Save the Mekong 2011; Mekong River Commission 2011a). The report, at the time of writing this thesis, is not approved officially by the government of the Lao PDR. According to the SEA report, as of 2010, 12 hydropower dams were planned in the Lower Mekong Basin (ICEM 2010b: 27), and the Xayaburi dam was the one of them.

4.4 The Xayaburi hydropower dam

The Xayaburi hydropower dam site is located on the mainstream of the Mekong River within the territory of the Lao PDR. The site is located near Ban Pakneun and borders two provinces, Xayaburi province and Luang Prabang province (TEAM Consulting Engineering and Management Co. Ltd. 2008: 2-2). Located in the northern part of the Lao PDR, the town of Luang Prabang is an old capital of the Lao PDR. Luang Prabang is designated as a UNESCO world heritage site (UNESCO 2013). The dam site is located at approximately 100 km downstream of the Luang Prabang town (Ministry of Energy and Mines 2012); Figure 8 illustrates the location of the dam. The Xayaburi dam is one of the hydropower dams listed as potential mainstream hydropower dams in the Mekong's mainstream run-of-river hydropower study, conducted by the Mekong Secretariat in 1994. This was discussed in the previous section (ICEM 2010b: 27; TEAM Consulting Engineering and Management Co. Ltd. 2008: 1-1). As of 2010 12 hydropower dams were planned on the mainstream of the LMB and the Xayaburi dam was one out of ten located within the Lao PDR's territory and its borders (ICEM 2010a: 6). For the Lao PDR, the least developed country within the Mekong region, development through hydropower is one of its major poverty reduction strategies, as it aims to become the 'battery' of Southeast Asia (Ministry of Planning and Investment: Lao PDR 2011: 125). The Lao PDR's seventh five-year national socio-economic development plan (2011-2015) therefore indicates development of large-size hydropower stations along the Mekong River and its tributaries as one of the key strategies to promote industrialization and modernization (Ministry of Planning and Investment: Lao PDR 2011: 188).

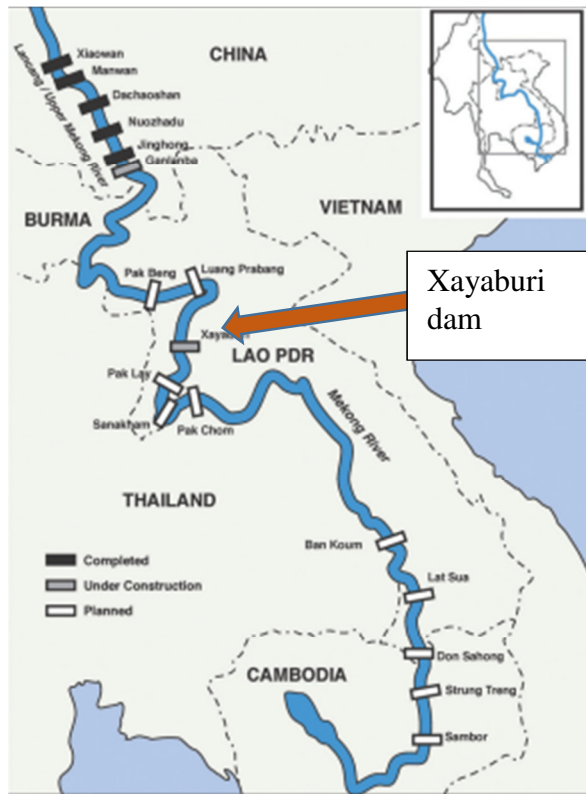


Figure 8: Hydropower dams on the mainstream of the Mekong River and the location of the Xayaburi dam

(Source: International Rivers 2013a)

Placing a physical obstacle in a flowing river creates a number of serious impacts on a river's ecosystem, and the Xayaburi dam is no exception. The dam is expected to result in multiple impacts on downstream communities and countries in the Lao PDR, Thailand, Cambodia and Vietnam. One of the expected key impacts of the dam is on fisheries. The Mekong River is home to an estimated 758-1500 fish species (WWF 2013; Baran, Jantunen, and Kieok 2007: 12; Orr et al. 2012: 926; Mekong River Commission 2003: 5) and most species are highly migratory. According to the fisheries expert group commissioned by the MRC during prior consultation project review for the Xayaburi dam, migration of 23 to 100 fish species are considered to be potentially affected (Mekong River Commission Secretariat 2011: 92). This number includes 5 species listed in the IUCN Red List of Threatened Species (Mekong River Commission Secretariat 2011: 92).

Another key impact from the dam is the sediment and associated geomorphological impact downstream (Graf 2006; Mekong River Commission Secretariat 2011: Annex 3). The river water naturally carries

certain levels of sediments. When a dam is placed on a river creating a reservoir, the sediment accumulates at the bottom of the reservoir unless flushed out from the dam. The excessive trapping of sediment in the reservoir creates a 'hungry water' phenomenon, which is the disequilibrium between the water and sediment discharges (Mekong River Commission Secretariat 2011: 1 Annex 3). This imbalance in the sediment load downstream of the river can create geomorphological changes in the landscape. The water which flows out from a reservoir contains less sediment compared to that of the original river water. This 'sediment-hungry' water which flows downstream in a river system creates bank erosion due to a shortage of coarse materials in the water (Mekong River Commission Secretariat 2011: 1 Annex 3). The sediment also carries nutrients such as phosphorus and nitrogen (Mekong River Commission Secretariat 2011: 12 Annex 3). The creation of a reservoir within a river can cause a trapping of the nutrients attached to sediments (Mekong River Commission Secretariat 2011: 11 Annex 3). Accumulation of nutrients and a reduction of turbidity due to the creation of reservoir can also increase algae growth, which affects the water quality (Mekong River Commission Secretariat 2011: 11 Annex 3).

The Mekong River transports sediment and associated nutrients downstream through its regular flow and seasonal flood, and the agriculture practices within the Lower Mekong basin rely on this fertile soil transported through its natural flow system. Sediment is particularly important for agriculture and the landscape in the Mekong Delta. Despite the importance of sediment there is a lack of baseline data on sediments in the Mekong, which creates uncertainty for some of the estimates made in the technical review (Mekong River Commission Secretariat 2011: 93).

The scope of the Environmental Impact Assessment (EIA) for the Xayaburi hydropower dam was limited to the watershed area of the proposed site, 10 km downstream from the barrage site, and impoundment area (TEAM Consulting Engineering and Management Co. Ltd. 2010: 1-2). During the PNPCA of the Xayaburi dam, no transboundary impact study was conducted, which was the main concern of downstream riparian countries particularly Cambodia and Vietnam (Kingdom of Cambodia 2011; The Socialist Republic of Viet Nam 2011). The MRC council in December

2011 agreed to conduct a comprehensive impact study for mainstream hydropower dams (Mekong River Commission 2012b). However, the process for proceeding with this study to date has been rather slow, which is creating frustration amongst some of the parties involved (Mekong River Commission 2013b, 2013c, 2013d). In particular, Cambodia and Vietnam are the two riparian countries that do not receive direct benefits from the Xayaburi dam, yet will be impacted by the development.

4.5 Potential impact from the Xayaburi hydropower dam

4.5.1 Cambodia

In regards to the Xayaburi hydropower dam, Cambodia has two contradicting interests. On one hand, Cambodia is located downstream of the Xayaburi hydropower dam. This physical location creates the key concern influencing the Cambodian government's position, the potential impact on Cambodian fisheries, upon which the livelihoods of approximately 6 million Cambodians are dependent (C7 2012; Foster 2011; Joffre et al. 2012: 1). Impact is expected particularly in six provinces located along the Mekong River's mainstream (see Figure 9 for the locations) including Stung Treng province, Kratie province, Kompong Cham province, Prey Veng province, Kandal province, Takeo province, and the capital Phnom Penh (Mekong River Commission 2011c: 10). In addition, the changes of the flow may potentially affect provinces along the Tonle Sap lake, where the Mekong River reverses flow during the wet season (Mekong River Commission 2010a: 30; Mekong River Commission Secretariat 2011: 45). Tonle Sap lake is the largest freshwater lake in Cambodia, where over one million people depend on the natural resources of the lake for their livelihoods (Kummu and Sarkkula 2008: 186). The reverse flow from the Mekong river accounts for 52% of the inflow to the lake (Kummu and Sarkkula 2008: 186).

On the other hand, Cambodia has itself two hydropower dam investments planned on the mainstream of the Mekong River: the Sambor dam and the Stung Treng dam. The Sambor dam, which is planned in Kratie province, will have a total capacity of 2600MW, and the Stung Treng dam

which is planned in Stung Treng province will have a total capacity of 980MW (ICEM 2010b: 31). Both dams would lie in the north eastern part of Cambodia within the stretch of the Mekong River between Khon falls in the Lao PDR down to the Kratie province in Cambodia. This area is an important destination for fish migration from the Tonle Sap lake, and building the Sambor dam and the Stung Treng dam will disrupt this important fish migration route (ICEM 2010b: 95). According to the Strategic Environmental Assessment (SEA) for 12 hydropower dams planned on the Mekong's mainstream of the Lower Mekong River Basin, these are two out of the three dams estimated to cause the largest impacts on fish production, (ICEM 2010b: 103).



Figure 9: Map of Cambodian provinces and the Mekong River

(Source: Nations Online Project undated)

As a consequence, Cambodia has two contradictory interests with respect to the Xayaburi dam. On one hand, the dam can significantly impact Cambodia's fishery. On the other hand, if Cambodia opposes the Lao PDR's attempt to build the Xayaburi dam, there is a risk that Cambodia's hydropower dam projects on the Mekong River's mainstream will face

similar objections from other riparian states. These physical and material conditions of the Xayaburi dam constitute the context in which governments and NGOs of the Lower Mekong approached the issue of the Xayaburi dam.

4.5.2 Vietnam

Vietnam is situated where the main impact from the dam is expected to occur, in the Mekong Delta (see Figure 10) and the Xayaburi dam is expected to affect the sediment flow of the river, changing the river's geomorphology (Mekong River Commission Secretariat 2011: 59). The Delta plays a vital role in the Vietnamese economy and is considered the 'rice bowl' of Vietnam (Quang 2002). According to a soil expert with knowledge of soil in the Mekong Delta, the Mekong Delta already faces geomorphological changes due to the construction of the Chinese dams (V18 2012). Changes upstream also affect nutrient transports in the river water which are particularly important for agricultural production in the Mekong Delta (Mekong River Commission Secretariat 2011: 45). The main expected impacts of the Xayaburi dam to the Delta are the loss of sediment in the delta through increased erosion (Mekong River Commission Secretariat 2011; Mekong River Commission 2010a: 35). These physical and material conditions played an important role in determining the Vietnamese government's position on the Xayaburi dam, which will be discussed in the following sections.

While Vietnam is the country furthest downstream in the context of Xayaburi hydropower dam, it is also an upstream country for Cambodia, with some of the tributaries of the Mekong River such as the Se San and the Sre Pok rivers originating in Vietnam. The Vietnamese government still invests in hydropower development upstream in these tributaries (Grimsditch 2012) and these hydropower investments impact the downstream communities in Cambodia through increased flooding incidences, fluctuation in river water, changes in water quality, and reduction in fishery catches (Wyatt and Baird 2007). Some of the interviewees claimed that the potential impacts from these tributary dams can be as significant as those of the mainstream dams (C27 2012). This can potentially cause impact on the Mekong Delta which is located further downstream.

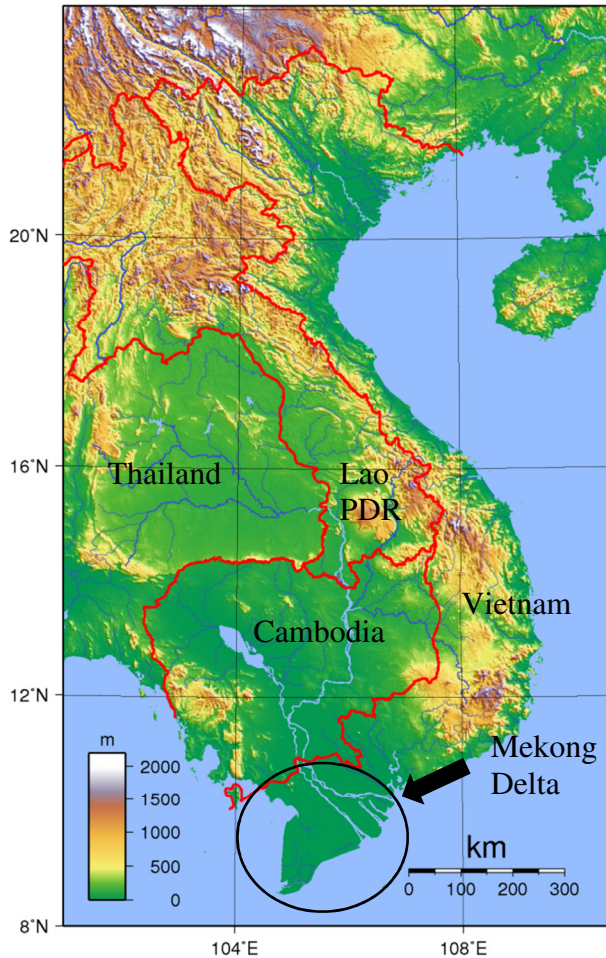


Figure 10: Location of the Mekong Delta

(Source: Sadalmelik 2007)

NGOs and Cambodian communities affected by the existing dams on these tributaries have voiced their concerns over the impact of dams in the past. However, prior consultation was not conducted for these dams as presumably it was not considered necessary under the terms the 1995 Mekong Agreement for tributary dams (Article 5 *Mekong Agreement* 1995). The 1995 Mekong Agreement Article 5 stipulates that only notification is required for both intra-basin uses and inter-basin diversions for tributaries,, whereas in the mainstream, such uses and diversions may be subject to prior consultation, depending on the season, that is, whether it is wet or dry. This is an important difference to note compared to that of the Xayaburi dam, which is the intra-basin use on the mainstream during wet and dry seasons,

which requires prior consultation (Article 5 *Mekong Agreement* 1995).⁶ This requirement for the Xayaburi dam created the space for all parties including NGOs to provide their opinions on the dam.

On the mainstream of the Mekong River, Petrovietnam, a private firm in Vietnam, has a plan to develop the Luang Prabang dam, located upstream of the Xayaburi dam in the Lao PDR (ICEM 2010b: 30). While it was not possible to gain the government's view on this proposed hydropower dam during the field work, some of the interviewees who are former government officials expressed their opinions that this dam was not a major concern for the government of Vietnam, and there is a high possibility this dam plan would be cancelled (V4 2012; V6 2012; Rotha and Vannarith 2008). This development status of the Luang Prabang dam appears to be one of the factors allowing the Vietnamese government to take a strong position against the Xayaburi dam, discussed in more detail in Chapter 7.

4.6 Chapter conclusion

This chapter provided a discussion of the physical and material conditions associated with the development of hydropower dams on the Mekong River, and particularly of the Xayaburi dam. Following the typology of goods suggested for the IAD framework (see Table 4) introduced in chapter 2, the Mekong River has the characteristics of a common-pool resource, where both subtractability of use and difficulty of excluding potential beneficiaries are high (Ostrom 2005: 24). The nature of this resource makes it difficult to manage competing interests among potential users, particularly when the resource crosses borders and managing and mitigating impacts created by one's action requires involvement of a diverse range of actors.

The review of historical perspectives of the governance of the Mekong River and evolving interests over development of hydropower dams on the Mekong River provided important insights into understanding the contexts of current hydropower dam development plans and the interests of different actors that potentially shape strategies of NGO coalitions within

⁶ Detailed requirements for notification and consultation under the 1995 Mekong Agreement will be discussed further in chapter 6.

the LMB. Three important contexts emerged through this review. The first is the resource context of the Mekong River. Although development of mainstream hydropower dams has been on the development agenda within regional and international governments since the 1950s, the mainstream of the LMB has been physically untouched until the construction of the Xayaburi hydropower dam commenced in 2012 (Ministry of Energy and Mines 2012). The Riparian countries faced decades of civil wars during the second half of the 20th century, which ironically resulted in preserving the free flowing status of the LMB mainstream. It was due to this relatively pristine status of the Mekong River that attention by the international community focused on the construction of the Xayaburi dam, including many of the NGOs and civil society actors.

The second context is associated with the positions of key actors. International organizations and donors, particularly bilateral donors from the Western governments as well as development banks such as the World Bank and the Asian Development Bank, have historically promoted hydropower development on the mainstream of the Mekong River. During the decades that hydropower dam development plans on the mainstream were stalled due to the civil wars, the positions of these international donors gradually shifted to a cautious stance about downstream impacts (Mekong River Commission 2011e, 2011a). These new positions by international donors signalled a positive shift for NGOs in the region that are opposed or concerned about hydropower dam development on the Mekong River. This is a particularly important change, especially in relation to the circumstances that NGOs faced during their advocacy work in the past over the Mekong's tributary dams. As an example, the World Bank, which financed the controversial Pak Mun dam and Nam Theun II dam built on the tributaries of the Mekong, welcomed the SEA of the Mekong's mainstream dams, and confirmed that it will not finance any mainstream hydropower projects (The World Bank 2010).

Finally, the analysis of the biophysical and material conditions in Cambodia and Vietnam clarified that both countries' governments face competing interests over hydropower development and their impacts on natural resource use. These biophysical material conditions affect the

positions of the governments in discussions of the Xayaburi hydropower dam; this will be discussed further in chapter 7.

Chapter 5 Actors

5.1 Chapter introduction

This chapter introduces the key actors associated with the Xayaburi dam and the advocacy strategies of the case study NGO coalitions. The chapter is divided into three parts. First, the chapter introduces actors working across the Mekong region, particularly within the LMB. The chapter then introduces actors within Cambodia, followed by introduction of actors in Vietnam.

5.2 Regional actors

5.2.1 Mekong River Commission (MRC)

As discussed in chapter 4, the MRC was established as an institutional framework for cooperation between the four States that are parties to the 1995 Mekong Agreement: Cambodia, Thailand, the Lao PDR and Vietnam (Article 11 *Mekong Agreement* 1995). The MRC consists of three bodies: the Council, the Joint Committee (JC) and the Secretariat (Article 12 *Mekong Agreement* 1995). The Council consists of representatives of each riparian state from Ministerial and Cabinet levels and who have the power to make decisions on behalf of the government (Article 15 *Mekong Agreement* 1995). The JC consists of representatives who are at least Head of Department level (Article 21 *Mekong Agreement* 1995) and the JC assumes responsibility for implementing policies and decisions made by the Council (Article 24 *Mekong Agreement* 1995). Each member country establishes a National Mekong Committee (NMC), which is responsible for matters associated with the Mekong River. The NMCs of each member state were the main actors in the riparian states governments' dealings with the Xayaburi hydropower dam.

The MRC Secretariat provides technical and administrative services to the Council and the JC (Article 28 *Mekong Agreement* 1995). The Secretariat is directed by the CEO selected by the JC and appointed by the Council (Article 31 *Mekong Agreement* 1995). As of 2010, the Secretariat consisted of 153 staff including 9 international professionals

(Taylor and MRC Secretariat 2011: 63). Despite its expertise and a large number of staff, the Secretariat does not have decision-making powers within the scheme of the MRC. Decisions at the MRC are made through unanimous vote by member states (Article 20 & 27 *Mekong Agreement* 1995).

As a transboundary water governance mechanism based on international agreements, all the decisions taken by the MRC Council are, in principle, decided by the consensus of all member countries (Article 20, 27 *Mekong Agreement* 1995). It is important to stress that the MRC Secretariat is not a decision-making body. The MRC Secretariat has often been the target of criticism by NGOs and civil society actors due to its perceived inability to make decisions. It is the MRC Council that is a forum for decision-making among states, not the Secretariat (R10 2011). As one of the interviewees from the NGO sector commented during an interview

‘(In our) fifteen years of strong criticism of the MRC, there is a misunderstanding about what the MRC is. We should really be criticising our own government. The (staff of) MRC Secretariat, they are just advisors’ (R8 2012).

5.2.2 Donors to the MRC

The activities of the MRC are supported by financial and technical contributions from member and non-member countries, as well as other development partners. As of 2012, the external donors to the MRC included the governments of Australia, Belgium, Denmark, the European Union (EU), Finland, France, Germany, Japan, Luxembourg, The Netherlands, New Zealand, Sweden, Switzerland, the United States, and the World Bank (Mekong River Commission 2013a). Germany, Finland, the Netherlands and Australia are the top donors based on their commitment during 2011-2015, which constituted three quarters of all donor funds (Mekong River Commission 2011e: 52). In addition to donors, the MRC has Memorandum of Understandings (MoUs) with several organizations for technical cooperation. These MoUs have primarily been concluded with international and regional organizations such as the ADB, Association of Southeast Asian Nations (ASEAN), the EU, IUCN, the UNDP, and the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) (Mekong River Commission 2011e, undated-a).

The World Wide Fund for Nature (WWF) is the only NGO among the MRC's development partners, positioning itself differently from other NGOs within the region. The WWF signed an MoU with the MRC in 2002 and since then has conducted various collaborative projects including promoting sustainability in hydropower development (Mekong River Commission 2006b: 46-47). The IUCN is another partner organization to the MRC with focus on environment and conservation. The IUCN consists of both governmental and non-governmental member organizations (IUCN 2013; Mekong River Commission 2006b). These partners are invited to observe the MRC Council meetings and JC meetings (Mekong River Commission undated-a). The MRC and development partners also conduct informal donor meetings with the MRC member countries annually, which create opportunities to raise any issues of concern. These meetings also provide opportunities for coordinating the efforts of partners in support of the MRC (Mekong River Commission 2011e).

5.2.3 Save the Mekong (STM) Coalition

The Save the Mekong (STM) Coalition is a regional network of NGOs, community groups, academics, and ordinary citizens within the Mekong region and internationally, who share concerns regarding the future of the Mekong River (Save the Mekong 2009). The coalition was officially launched in 2009 at the time the Lao PDR's plan for constructing the Don Sahong dam, another dam planned on the Mekong's mainstream, was progressing. However, the personal and organizational networks among activists existed in the region prior to the official launch of the STM Coalition (R10 2011; R3 2012). The members of the STM Coalition have been campaigning against hydropower dams on mainstream of the Mekong River since before the official launch of the coalition (Save the Mekong 2009; R10 2011). While the STM coalition does not have an official coordinator, International Rivers (IR) and Towards Ecological Recovery and Regional Alliance (TERRA) play roles as informal coordinators of the network (V2 2012; C5 2012b; V11 2012). IR is an international NGO headquartered in the US, campaigning against large scale development on rivers around the globe, and TERRA is a Thai based environmental NGO which has been engaged in anti-dam campaign in Thailand since the 1980s

(International Rivers undated; TERRA undated). Both NGOs have offices in Bangkok and have been playing important roles in fostering the regional network of NGOs around the Mekong region. The STM Coalition is one of the most active and vocal NGO networks in the Mekong region over the issue of the Xayaburi dam, and the two case study NGO coalitions of this thesis; the RCC and the VRN, are both the members of this regional coalition (Save the Mekong undated).

5.2.4 Developers of the Xayaburi dam

The development of the Xayaburi dam is mostly driven by actors in Thailand. The installed capacity of the dam will be 1280 MW, and most of the energy produced from the Xayaburi dam will be exported to Thailand (TEAM Consulting Engineering and Management Co. Ltd. 2008: 1-2, 1-4). The Electricity Generating Authority of Thailand (EGAT), which is a state enterprise under the Thai Ministry of Energy (EGAT 2009), promised to purchase 95 % of the electricity produced by the dam, and signed the power purchase agreement with the Xayaburi Power Company Limited in October 2011 (International Rivers 2013b, 2013c).

The Xayaburi Power Company is the main developer of the Xayaburi hydropower dam, it was established in 2010 by Ch Karnchang Public Company Limited (Ch Karnchang), which is the second largest construction Company in Thailand (TEAM Consulting Engineering and Management Co. Ltd. 2008: 1-1; Middleton 2012: 309; CH. Karnchang Public Company Limited 2011: 143). Ch Karnchang holds the majority of the ownership of the Xayaburi Power Company (Middleton 2012: 304; International Rivers 2013c; CH. Karnchang Public Company Limited 2011: 55, 143). Ch Karnchang is also the company responsible for the construction of the Xayaburi dam (CH. Karnchang Public Company Limited 2012).

Ch Karnchang signed an MoU with the Government of the Lao PDR to conduct a feasibility study for the Xayaburi dam in 2007 (TEAM Consulting Engineering and Management Co. Ltd. 2008: 1-1). This was used as a basis for signing a project development agreement between the Government of the Lao PDR and Ch Karnchang in November 2008 (International Rivers 2011b). The Government of the Lao PDR granted the Xayaburi Power Company a 29 year concession to design, develop,

construct and operate the Xayaburi dam, commencing from the Commercial Operation Date (CH. Karnchang Public Company Limited 2011: 143). The development takes place through a Build-Operate-Transfer (BOT) arrangement, which is a scheme allowing the private sector to build and operate an infrastructure asset and eventually transfer the ownership to the public sector (TEAM Consulting Engineering and Management Co. Ltd. 2008). The finance of the Xayaburi dam comes from Thai banks including Kasikorn Bank, Bangkok Bank, Krung Thai Bank, and Siam Commercial Bank (Middleton 2012: 304; International Rivers 2011b). The Kasikorn bank is a state-owned bank, and its financing of the Xayaburi dam was challenged by Thai civil society, as discussed later in chapter 7.

5.3 Actors in Cambodia

5.3.1 Rivers Coalition in Cambodia (RCC)

The study in Cambodia focuses on the Rivers Coalition in Cambodia (RCC). The RCC is a network of NGOs that are concerned with environmental and human rights issues related to hydropower dams (Rivers Coalition in Cambodia undated: 1). The network was established in 2003 and was originally called the Se San Working Group. This network started as a small number of NGOs working together on the hydropower dam issues in the Se San river, one of the tributaries of the Mekong River (Rivers Coalition in Cambodia undated). The initial focus of the network was on addressing livelihoods and the health impacts on Cambodian communities downstream of the dam built on Vietnamese side of the border. The original members included the NGO Forum on Cambodia (referred to as NGO Forum from here onwards), the 3S Rivers Protection Network (3SPN), and the Culture and Environment Preservation Association (CEPA) (Rivers Coalition in Cambodia undated: 1; C3 2012; C11 2012). More recently, the network expanded its scope to all the dams in Cambodia and changed its name to the Rivers Coalition in Cambodia, and in turn expanded its membership (The NGO Forum on Cambodia undated; C3 2012). As of December 2011 the network had 28 Cambodian NGOs as its members (The NGO Forum on Cambodia 2011a). In addition, the RCC has 14 international partners (Rivers Coalition in Cambodia 2012; The NGO Forum on

Cambodia 2011a). While initial members were primarily advocacy-oriented NGOs, the newer members to the RCC include NGOs with a focus on improvement of rural livelihoods, conservation, and human rights (C28 2012; C11 2012; The NGO Forum on Cambodia 2011a). Some of these NGOs are located in the capital Phnom Penh, and others are located in the provinces (The NGO Forum on Cambodia 2011a). This shift in membership composition was an important influence on the way the RCC operated during its Xayaburi advocacy work, as will be discussed in the later chapters.

The RCC is coordinated by the Hydropower & Community Rights Project, one of the projects within the Environment Programme of the NGO Forum (The NGO Forum on Cambodia undated). The NGO Forum is an organization of Cambodian NGOs. As of 2013, the forum had 89 members that are all NGOs operating in Cambodia. The NGO Forum primarily serves as a forum for sharing information among NGOs and takes joint actions through various programmes (The NGO Forum on Cambodia 2013). The NGO Forum has been engaged in supporting communities affected by hydropower developments since the late 1990s (The NGO Forum on Cambodia undated). The coordinator of the NGO Forum's hydropower project also coordinates the RCC (C5 2012b). The NGO Forum provides some funding for the RCC's activities, in addition to RCC specific donors such as Oxfam Australia, the EU, and ECCO (C3 2012: 18; C5 2012b). When RCC members travel to Phnom Penh for their regular meetings, the travel costs for members based in the provinces is covered by the funding for the RCC administered by the NGO Forum (C3 2012). While each member NGO is expected to contribute to the network, the current institutional set up of the RCC places much of the workload and financial responsibility on the NGO Forum.

5.3.2 Cambodian government

The Cambodian Constitution addresses the separation of legislative, judiciary and executive powers (Article 51 *Constitution of Cambodia* 1993). The National Assembly and the Senate hold legislative power (Article 90,99

Constitution of Cambodia 1993). The National Assembly has the function of approving various policy measures proposed by the executive, including the budget, state plans, administration, and international treaties. It can also pass a vote of confidence on the Royal Government (Article 90 *Constitution of Cambodia* 1993). The executive power lies with the Royal Government, which consists of the Council of Ministers. It is led by the Prime Minister, with members including Deputy Prime Ministers, State Ministers, Ministers, and State Secretaries (Article 118 *Constitution of Cambodia* 1993). Cambodia is a multi-party state, and the head of the leading political party assumes the position of the Prime Minister. The current Prime Minister is Hun Sen, the head of Cambodian People's Party (CPP), who has been leading the country since 1985 (Vandenbrink 2013a; BBC News Asia 2013a). The judiciary power is independent, and lies with the Supreme Court and other courts (Article 128 *Constitution of Cambodia* 1993). However, in reality separation of three powers: judiciary, executive and legislative, is blurred. This remains a key challenge for implementing the rule of law and protecting human rights in Cambodia (paragraph 41 United Nations Human Rights Council 2010: 11).

Administratively, the country is divided into provinces and municipalities. Provinces are divided into districts (*srok*) then sub-divided into communes (*khum*), and municipalities are divided into sections (*khans*) then sub-divided into quarters (*sangkats*) (Article 145 *Constitution of Cambodia* 1993; Obendorf 2004: 10). The commune and Sangkats are the smallest administrative units in the country, and the most local levels of democracy. The commune and Sangkats councils have both legislative and executive authorities within their local jurisdiction, allowing the councils to adopt resolutions which apply to the governance of the locality (Article 48 *Law on Commune Management* 2001). The councils are also responsible for producing commune/Sangkat development plans and budgets, and have the right to impose local fiscal taxes (Article 51 *Law on Commune Management* 2001). The members of commune and Sangkat councils are elected through elections which takes place every five years (Article 3 *Amended Law on Elections of Commune Councils* 2006)

5.3.3 Cambodian National Mekong Committee (CNMC)

The Cambodian National Mekong Committee (CNMC) represents Cambodia in the MRC. The CNMC is currently chaired by the Ministry of Water Resources and Meteorology (MOWRAM) which has the mandate for river basin management in Cambodia, including international waters (Article 10 & 34 *Law on Water Resources Management* 2007). The CNMC's mission is to domestically and internationally coordinate the protection, conservation and development of resources within the Mekong River Basin (Cambodian National Mekong Committee undated). The CNMC operates directly under the Royal Government of Cambodia, and is comprised of ten water-related ministries (Cambodian National Mekong Committee undated; Hirsch et al. 2006: 41). The Minister of MORWAM is the chairperson of the CNMC, and is the member of the MRC Council (Mekong River Commission undated-c). The Secretary General of the CNMC represents Cambodia as a member of the MRC Joint Committee (Mekong River Commission undated-c).

5.4 Actors in Vietnam

5.4.1 Vietnam Rivers Network (VRN)

Vietnam Rivers Network (VRN) is the study coalition for this thesis in Vietnam. The VRN is an open forum which is comprised of members concerned with the protection and sustainable development of rivers in Vietnam (Vietnam Rivers Network 2009b: 4). The network was established in 2005 and was initially hosted by the Institute of Ecological Economy (Eco-Eco) (Vietnam Rivers Network 2009b: 4). The original funding came from the Siemempuu Foundation in Finland, and the founder of the network was supported by IR (V10 2012). In 2007, the network changed its name to the Vietnam Rivers Network (VRN) and a new Vietnamese NGO named the Centre for Water Resources Conservation and Development (WARECOD) was established with the main purpose of hosting the VRN (TERRA 2008: 32; V10 2012).

Membership of the VRN comprises NGOs, researchers, academics, government officials, local communities and individuals (Vietnam Rivers

Network 2009b: 4). As of November 2012 the network had approximately 300 members (Vietnam Rivers Network 2012). In contrast with the RCC in Cambodia, where the network consists solely of NGOs, the majority of VRN members are individuals who are interested in and concerned about issues related to rivers in Vietnam (Vietnam Rivers Network 2012). As of 2012, there are eight organizational members that are considered key members of the VRN (Vietnam Rivers Network undated-b; V23 2012).

Some of the organizational members focus their work on issues of water and energy, while others have a focus on natural resources management and sustainable livelihoods (Vietnam Rivers Network undated-b). Many of the members are Vietnamese NGOs who are relatively newly established, most of them first established in the mid-2000s. One of the key organizational members is indeed a government entity. The Centre for Biodiversity and Development (CBD), which coordinates the VRN's activities in the southern part of Vietnam, was established under the Institute of Tropical Biology as a non-profit government funded institution (V12 2012). The network also includes many individual members who are government officials. The mixed nature of the network, including both government and non-government actors, influences the characteristics of the network.

The network is organised into three regional networks within Vietnam: northern, central and southern Vietnam. Each network is coordinated by one of the key member NGOs: the northern network is coordinated by the WARECOD, the central network is coordinated by the Centre for Social Research and Development (CSRD), and the southern network is coordinated by the CBD. The VRN is designed to rotate its overall coordinating role among these three regional organizations. Based on this mechanism, the overall coordination of the VRN was moved to the CSRD in 2012 (Vietnam Rivers Network 2013). Many of the national networks are typically based in Hanoi, and the VRN's initiative to rotate the coordination is a rather unique approach in Vietnam, which, according to one of the interviewees, supports strengthening central and southern regional networks (V11 2012). According to another interviewee, the rotation also prevents the VRN from representing concerns limited to one region within the country or from relying only on support from a few

organizations (V10 2012).

The VRN's specific issue-based activities were conducted through thematic and regional groups within the network. As of February 2013 there were eleven groups within the network (Vietnam Rivers Network undated-a). The Mekong task force was one of the groups within the VRN, which worked primarily on the Xayaburi hydropower dam. According to one of the interviewees, this was one of the most active groups within the network (V5 2012). The Mekong task force included the VRN coordinator, a staff member of the WARECOD, a former high ranking official of the VNMC, and scientists specializing in the ecosystem of the Mekong Delta (V10 2012).

5.4.2 Vietnamese government

Vietnam is a socialist country with a highly centralized government system. The legislative responsibility lies solely with the National Assembly and its members are elected through general elections which are intended to provide the mechanism for interest articulation (Article 83 *Constitution of Vietnam* 2001). The National Assembly adopts and amends laws, decides on national socio-economic plans and decides on financial matters, including budget and tax (Article 83 *Constitution of Vietnam* 2001). The National Assembly also elects or suspends the main political figures in the executive and judiciary including the Prime Minister, other Ministers, the President, the Chairman and the members of standing committee of the National Assembly (Article 84 *Constitution of Vietnam* 2001). The standing committee of the National Assembly organizes and chairs the national assembly and supervises activities of People's Council at province and local levels (*Constitution of Vietnam* 2001).

The executive function is conducted by the Government which consists of the Prime Minister, Deputy Prime Ministers, Ministers and heads of the ministerial-level agencies (Article 3 *Law on Organization of the Government. No. 32/2001/QH10 of 25 December 2001* 2001). The Government is responsible for submitting draft laws and policies to the National Assembly and it implements laws and policies. It also leads the work of the ministries, including the sub national levels of bureaucracy such as at the province, district and commune levels. The judiciary is composed

of the Supreme People's Court, Provincial People's Court, District People's Court, the Military Tribunals and other Tribunals (Article 127 *Constitution of Vietnam* 2001).

The country is divided into provinces, then further into districts, provincial cities and municipalities. These sub-national administrative units are further divided into wards and communes (Article 118 *Constitution of Vietnam* 2001). Communes are composed of several villages and are also the lowest level of administration unit. People's Councils are the authorities that are elected by local population, and are responsible for socio-economic development plans and budgets for their localities, ensure local security, and to conduct any other tasks assigned by higher authorities of the State (Article 120 *Constitution of Vietnam* 2001). People's Committees are the executive agencies of the respective People's Councils, and are elected by the People's Councils (Article 123 *Constitution of Vietnam* 2001).

Vietnam is a one party state led by the Communist Party of Vietnam (CPV). While the Constitution states that people are the 'master' of the country (Article 2 *Constitution of Vietnam* 2001), the leading role of the CPV is also clearly stated in the Constitution (Article 4 *Constitution of Vietnam* 2001), allowing the formal system to be structured in a way which gives the CPV the power to lead the country. The party's political bureau, which consists of high ranking officials from the CPV, plays key roles in the governance of the country. Scholars claim that most laws and policies discussed at the National Assembly are drafted by the Party's political bureau and government offices behind closed doors, and public deliberations are rare (Cima 1987a; Kerkvliet 2001). Politicians are elected through elections at different levels, including at the commune, province, and national levels (Embassy of Socialist Republic of Vietnam in the United States of America 2013). In most cases, candidates are limited to Communist Party members, giving limited choice for the electorate to vote for other candidates. While the Constitution allows all Vietnamese citizens have a right to vote and stand for election regardless of their status or affiliation with political organizations (Article 54 *Constitution of Vietnam* 2001), the most high ranking government positions are occupied by members of the CPV (Cima 1987b). The CPV plays an important role in

determining the policies of the government. Access to decision-makers at the national and provincial levels is very restricted (Kerkvliet 2001: 246) which makes it particularly important to have a personal ‘entry point’ in working with the government in Vietnam. It will be shown later in this thesis that this relates to the strategy the VRN has taken in its advocacy approach, further discussed in chapter 9.

5.4.3 Mass Organizations

In addition to the formal administrative systems at the local level, it is important to note the existence and the role of mass organizations in Vietnam. Originally established by the Indochinese Communist Party as a way to include all sectors into the anti-colonial struggle (UNDP Vietnam 2006: 7), mass organizations are occupation-based associations such as the women’s union, farmers’ union, trade union, and youth union, established as early as the 1930s under the umbrella of the Vietnam Fatherland Front (VFF) (Norlund et al. 2006). Mass organizations were structured within the state system since the mid-1950s, as Vietnam established a highly centralized system of government with three pillars: the Party, the government and the mass organizations (Sinh 2014: 43).

VFF is an umbrella organization of 29 mass organizations (Thayer 2008: 3; Norlund 2007: 11) and plays a role as the ‘civil society arm’ of the CPV. The Vietnamese Constitution defines the VFF as a politically allied organization and voluntary union of political organizations which represents individuals from different social strata, classes, ethnic groups and religions (Article 9 *Constitution of Vietnam* 2001). The VFF is officially positioned to be able to provide inputs to the government. For example, the Constitution provides the VFF and its member organizations with the right to submit draft laws to the National Assembly (Article 87 *Constitution of Vietnam* 2001).

At the local level, the VFF plays an important role in local politics. One of the key roles of the VFF is to conduct ‘mass mobilization’ in order to communicate government policies to people and to help them also understand and implement the policies (UNDP Vietnam 2006: 7). Mobilization of peasants and workers aimed at supporting the state’s policies is considered as local level ‘participation’ in the Vietnamese

political context (UNDP Vietnam 2006: 7). The VFF also plays a role in elections through organizing consultations to select and nominate candidates, supervise elections, and mobilize voters for the elections (Article 8 *Law on Vietnam Fatherland Front. No:14/1999/QH10 of 12 June 1999* 1999). In reality, these nominations are dominated by the CPV and mostly produce candidates approved by the party leaders in the localities, or the party's Central Committee for candidates standing for higher offices (Kerkvliet 2001: 245).

5.4.4 Farmers' Union

The Farmers' union is one of the mass organizations existing throughout Vietnam; it has approximately 8 million members (Norlund et al. 2006: 33). It is a socio-political organization under the leadership of the Communist Party of Vietnam (Viet Nam Farmers' Union undated) and is characterized as a mass organization which is under the umbrella of the Vietnam Fatherland Front (Norlund et al. 2006: 33).

5.4.5 VUSTA

VUSTA is a socio-political organization of Vietnamese intellectuals and scientists established in in 1983 (Norlund et al. 2006: 25; VUSTA 2012; *VUSTA Charter* 2012). VUSTA is a member of the VFF (*VUSTA Charter* 2012). Under the umbrella of VUSTA, there are 73 member science and technology associations, 300 affiliated science and technology organizations, 197 newspapers, magazines, bulletins and web sites, and 60 provincial unions of science and technology associations (VUSTA undated: 9). The WARECOD is one of the organizations affiliated with VUSTA.

5.4.6 Vietnam National Mekong Committee (VNMC)

In Vietnam the prime responsibility for water resources lies with the Ministry of Natural Resources and Environment (MONRE) which chairs the Vietnam National Mekong Committee (VNMC). The main tasks of the VNMC includes cooperation with other riparian countries to implement the 1995 Mekong Agreement, and the protection of Vietnamese interests concerning the use of the Mekong River, particularly on the mainstream

(Article 2 *Decision No. 860-TTg* 1995). The VNMC is an inter-ministerial committee comprised of the MONRE, the Ministry of Foreign Affairs, the Ministry of Agriculture and Rural Development, and the Ministry of Planning and Investment (Article 3 *Decision No. 860-TTg* 1995). Other part-time members of the VNMC include the Ministry of Industry, the Ministry of Aquaculture, the Ministry of Science, Technology and Environment, the Ministry of Communications and Transport, the General Department of Meteorology and Hydrology, and representatives of People's Committees within the provinces associated with the Mekong River Basin (Article 3 *Decision No. 860-TTg* 1995).

5.5 Conclusion

The review of key actors in this chapter has provided the background for the analysis of how actors interacted with each other, and for how they might influence the advocacy strategies of the case study coalitions. The comparison of different actors within the context of Cambodia, Vietnam, and the Mekong region identify four key points which will be considered further in the analysis of advocacy strategies in part III.

First of all, among all the NGOs that exist within the Mekong region the MRC has a formal partnership with only one of them, WWF. The fact other NGOs have neither an official relationship or status in association with the MRC places them as outsiders to the MRC.

Secondly, the RCC and the VRN are both coalitions of NGOs and civil society actors coordinated by an NGO. However, the difference in their memberships provides different characteristics to the two networks. The RCC is primarily a coalition of NGOs whereas the VRN is a coalition which includes both NGOs and individual members. The number of members is also different as the RCC has 28 members whereas the VRN has approximately 300 members. This difference in member characteristics will be further discussed in the analysis of strategies in Chapters 7 to 11.

Thirdly, both coalitions were established through collaboration and support from international organizations. The RCC in particular was supported by multiple international organizations in its establishment phase. International Rivers was engaged in the establishment of both coalitions and

still continues to be an important partner for them (Vietnam Rivers Network 2013; Rivers Coalition in Cambodia undated; The NGO Forum on Cambodia 2011a).

Finally, differences and similarities in the government systems in Cambodia and Vietnam were highlighted in this chapter. Vietnam is a single party state where the role of the CPV is clearly stated in its Constitution. Cambodia, on the other hand, is a multi-party state, where the leading party is elected through elections. However, in reality, one party, the CPP, has dominated the country for the past two decades, and as commented by some scholars, Cambodia is becoming an authoritarian state (McCargo 2005; Un 2011).

In comparing the political contexts of Vietnam and Cambodia it is important to also note that a force supported by Vietnam was the one which liberated Cambodia from the notorious Khmer Rouge regime which ended in 1979 (Vickery 1984). The current Cambodian Prime Minister Hun Sen was part of the Vietnamese troops and was positioned as deputy Prime Minister under the government installed by Vietnam in 1979 (BBC News Asia 2013a; Nam, Tu, and Dien 2012). Due to this historical context the Cambodian government has a close relationship with Vietnamese counterpart and is considered to have the tendency to follow what the Vietnamese government says (C22 2012; C27 2012; McCargo 2005: 101).

Chapter 6: Rules and norms

6.1 Chapter introduction

This chapter provides an overview of the rules and norms that influenced the advocacy strategies of the two case study coalitions. It first discusses rules and norms at the Mekong regional level, followed by a discussion of them at the national levels. It also discusses rules and norms within the case study NGO coalitions. The chapter discusses two main categories of rules and norms, 1) formal rules and 2) informal rules and norms. The discussion in this chapter does not include a discussion of rules and norms that did not seem to influence the NGOs, but focuses on rules and norms which this research has identified as exerting an influence over the case study coalitions. The discussion also touches upon the political and historical contexts associated with the development of rules and norms where applicable.

6.2 Formal rules at the Mekong regional level

6.2.1 1995 Mekong Agreement

The 1995 Mekong Agreement, introduced in chapter 4, is an agreement among four riparian states on the Mekong River. The 1995 Mekong Agreement aims to promote cooperation for the sustainable development, utilization, management and conservation of the Mekong River Basin (Article 1. *Mekong Agreement* 1995). One of the main substantive rules of this agreement is reasonable and equitable utilization, which is outlined in Article 5 (Article 5 *Mekong Agreement* 1995). The principle of equitable and reasonable utilization (ERU) is the primary substantive rule that governs transboundary watercourses (Wouters et al. 2005: 21). In order to fulfil the member states' obligations under the agreement the 1995 Mekong Agreement established the MRC as an institutional mechanism. As a way to implement substantive obligations procedural rules were established. One of the procedural rules is the Procedure for Notification, Prior Consultation and Agreement (PNPCA) which forms the main process that this thesis' examines and analyses.

6.2.2 PNPCA

As one way to operationalize the ERU principle Article 5 of the 1995 Mekong Agreement requires states to notify and consult with other riparian states on the use of a river (Article 5 *Mekong Agreement* 1995). As a detailed procedural rule for this notification and consultation the PNPCA was adopted by the MRC in 2003 (*PNPCA* 2003). Subsequently, the Guidelines on Implementation of the PNPCA were adopted by the MRC Joint Committee in 2005 (*PNPCA Guideline* 2005) in order to provide detailed guidelines for PNPCA implementation.

The 1995 Mekong Agreement and PNPCA require states to notify the Joint Committee of both intra-basin uses and inter-basin diversions in tributaries of the Mekong River, including Tonle Sap (the largest freshwater lake connected to the Mekong River Basin) (Article 5A *Mekong Agreement* 1995). The use of the mainstream water is also subject to notification and consultation, depending on the use and the season (Article 5B *Mekong Agreement* 1995). Prior consultation is required in addition to prior notification in the case of a) inter-basin diversion from mainstream during wet season, b) intra-basin use on the mainstream during the dry season, and c) inter-basin diversion of the surplus quantity of water during the dry season (Article 5.1 *PNPCA* 2003). The Xayaburi dam, is an intra-basin diversion during both dry and wet seasons, thus both notification and prior consultation are required.

While the 1995 Mekong Agreement is considered as a legally binding international treaty, there is a debate about whether or not procedural rules and guidelines developed under the Agreement are also considered as treaty, and are therefore legally binding instruments or not. (Rieu-Clarke 2013: 7). This argument arises from the fact that the PNPCA and PNPCA guidelines are not ratified by the member states and may not meet the definition of a treaty defined by the Vienna Convention on the Law of Treaties (Rieu-Clarke 2013: 7; *Vienna Convention* 1969). It is important to note this status since it is associated with perceptions of different actors over the controversial process of the Xayaburi dam which will be further discussed in chapter 7.

However, irrespective of whether or not the PNPCA and PNPCA guidelines are legally binding *per se*, they offer valuable guidance in the

interpretation of the provisions related to notification and consultation under the 1995 Mekong Agreement (Rieu-Clarke 2013; Article 31(3)(b) *Vienna Convention* 1969). The PNPCA provides detailed guidance on the content of notification and consultation including required studies, roles and responsibilities of each actor involved in the process, timeframe and the process of the PNPCA (PNPCA 2003). PNPCA guidelines provide further interpretations of the details provided by the PNPCA (PNPCA *Guideline* 2005). For example, referring to the content of the notification, the PNPCA requires the notifying states to provide a feasibility study, implementation plan, schedule and all available data (Article 4.2.1 PNPCA). Referring to this article, PNPCA guidelines further note that most data shall be ‘relevant available data’ (Section I.A.3 PNPCA *Guideline* 2005), which is ‘the data necessary for the notified parties to be informed of and to understand the proposed project and use of water to determine impacts upon them’ (PNPCA *Guideline* 2005: footnote 8). This point is particularly relevant to the Xayaburi dam PNPCA case, as the lack of transboundary impact assessment from the dam was debated among the states as well as by NGO and civil society actors during the PNPCA process (Kingdom of Cambodia 2011; The Socialist Republic of Viet Nam 2011; Save the Mekong 2012a).

Another important point to note is that the 1995 Agreement defines prior consultation as:

‘Timely notification plus additional data and information to the Joint Committee as provided in the Rules for water Utilization and Inter-Basin Diversion under Article 26, that would allow the other member riparians to discuss and evaluate the impact of the Proposed use upon their uses of water and any other affects, which is the basis for arriving at an agreement. Prior consultation is neither a right to veto the use nor unilateral right to use water by any riparian without taking into account other riparians’ rights’ (Chapter II Mekong Agreement 1995).

The wordings associated with this requirement has more ambiguity compared with the requirement of mainstream water use under the Joint Declaration of Principles for Utilization of the Waters of the Lower Mekong Basin, signed in 1975 (1975 *Mekong Joint Declaration* 1975). As discussed in chapter 4 the 1975 Declaration considers mainstream waters as ‘a

resource of common interest not subject to major unilateral appropriation by any riparian State without prior approval by the other Basin States through the Committee' (Article X *1975 Mekong Joint Declaration* 1975). This ambiguous nature of the requirement under the 1995 Agreement created difficulties during the PNPCA process of the Xayaburi dam, which are discussed in chapter 7.

6.2.3 Stakeholder participation policies and plans adopted by the MRC

Since the 1995 Mekong Agreement is an agreement among states the notification and consultation requirements do not specifically include the public as subject to be consulted (*Mekong Agreement* 1995; *PNPCA* 2003). Therefore, the requirement only stipulates consultation with other member states (Section 1 *PNPCA* 2003). There are, however, policies and guidelines created through the MRC which support public participation in the governance of the Mekong River. One of them is a policy document adopted in 1999 called 'Public Participation in the Context of MRC' (Mekong River Commission 1999). The MRC strategy on public participation was developed in 2003 and an action plan for public participation was finalized in 2004 (Mekong River Commission: Basin Development Plan Programme Phase 2 (BDP2) 2009: 4). Another guideline is the Stakeholder Participation and Communication Plan developed under the Basin Development Plan Programme Phase 2 (BDP2) (Mekong River Commission 2004; Mekong River Commission: Basin Development Plan Programme Phase 2 (BDP2) 2009).

Stakeholder participation is also integrated into various programmes of the MRC (Mekong River Commission 2005). In particular, two programmes which developed basin development plans in two different phases have both developed stakeholder participation plans (Mekong River Commission 2004; Mekong River Commission: Basin Development Plan Programme Phase 2 (BDP2) 2009).

These MRC policies and plans concerning stakeholder participation provide detailed suggestions of how to identify stakeholders and engage them in the discussions associated with the development occurring in the Mekong River Basin (Mekong River Commission 2004, 1999; Mekong

River Commission: Basin Development Plan Programme Phase 2 (BDP2) 2009). Stakeholders are defined broadly by the MRC policy (1999) as

‘any person, group(s) of institution that has an interest in an activity, project or programme. This includes both intended beneficiaries and intermediaries, those positively affected, and those involved and/or those who are generally excluded from the decision-making process’ (Mekong River Commission 1999: 2).

Touching on the key principles of public participation, the MRC policy indicates that participation needs to start as early as possible in a process and be transparent (Mekong River Commission 1999). While the BDP 2 stakeholder participation and communication plan accommodates specific elements of the BDP process, the technical elements of stakeholder engagement included in this plan could also be adopted by other initiatives within the MRC scheme.

6.3 Formal rules in Cambodia

6.3.1 Formal rules for interest articulation and decision-making

Cambodia is a constitutional monarchy (Article 1 *Constitution of Cambodia* 1993). The Constitution is an important formal instrument which provides the basis for human rights including freedom of speech and freedom of association. The Constitution adopted in 1993 provides the legal basis for governing the country democratically, giving power to the people who exercise their powers through the National Assembly, the Senate, the Royal Government and the Judiciary (Article 51 *Constitution of Cambodia* 1993). Cambodian citizens have the right to directly vote in the elections of the National Assembly and the Commune council (Article 76 & 78 *Constitution of Cambodia* 1993). This offers an important opportunity and right for interest articulation because these elections provide opportunities for ordinary citizens to express their political preferences.

6.3.2 Formal rules on decentralization

Cambodia has a decentralized government system and adopts democracy and pluralism as its governing principle (Article 51 *Constitution*

of Cambodia 1993). Through major support from international donors, the Cambodian decentralization process started in the early 2000s when two key legislations were passed: The Commune Election Law and the Law on the Administration and Management of Communes (*Law on Commune Management* 2001; *Amended Law on Elections of Commune Councils* 2006; Öjendal and Sedara 2006: 510). The first commune council election was held in 2002 (Rusten et al. 2004: 14). This political system of decentralization created a situation for Cambodian political parties in which winning commune/Sangkat elections is paramount to sustaining their political power at the national level (Öjendal and Sedara 2006: 510). The members of sub-national level (provincial and district) councils are elected by commune and Sangkat council members (Article 27 *Law on Sub-National Council Election* 2008). At the national level, while national assembly members are elected by general election, the majority of the Senate are elected by the members of the National Assembly and commune/Sangkat council members (Article 11 *Law on Senate Election* 2005; Article 100 *Constitution of Cambodia* 1993)

6.3.3 Formal rules associated with freedom of expression

The Constitution of Cambodia guarantees personal freedom to any individuals (Article 31 *Constitution of Cambodia* 1993). The rights of freedom of expression, press, publication and assembly are all guaranteed in the Constitution (Article 41 *Constitution of Cambodia* 1993). The Law on the Press also aims to guarantee the freedom of press (Article 1 *Law on the Press* 1995) and bans pre-publication censorship (Article 3 *Law on the Press* 1995). However, at the same time, the Law on the Press also restricts journalists from publishing information which harms someone's honour or dignity; this is used at times to punish journalists who criticize public figures (Article 10 *Law on the Press* 1995; Un 2011).

6.3.4 Formal rules governing NGOs in Cambodia

Prior to 1991 NGO presence in Cambodia was limited to emergency relief and support to refugees who were the victims of internal conflict in Cambodia. These NGOs were primarily international (Bañez-Ockelford 2010: 4). National NGOs in Cambodia emerged after the Paris peace

agreement was signed in 1991 lifting the aid embargo imposed by the United Nations since 1982 (Bañez-Ockelford 2010: 4). Since 1991 local (Cambodian) NGOs increased significantly, primarily as a result of the availability of donor funding and the need to implement the agenda set by the donors (Bañez-Ockelford 2010: 4).

Administratively, local NGOs are required to register with the Ministry of Interior (MoI) whereas international NGOs are required to register with the Ministry of Foreign Affairs (Cooperation Committee for Cambodia 2012b). The registration process is relatively simple and currently NGOs are widespread within Cambodian society (Cooperation Committee for Cambodia 2012b). As of 2010, 1591 local NGOs were registered with the MoI, and 508 International NGOs were registered with the Ministry of Foreign Affairs (Cooperation Committee for Cambodia 2012a: 20).

Many local NGOs are engaged in development activities including education, health, credit, income-generation and other rural and urban poverty reduction initiatives (Bañez-Ockelford 2010: 6), often supplementing the work of the government. When conducting activities closely related to a particular government organization's mandate, NGOs often employ government staff as a 'counterpart' working alongside the particular NGO (C35 2012; C30 2012). If government staff are inside an NGO it is difficult for the NGO to be critical about the government (C30 2012). NGOs are encouraged to take part in commune and district council meetings, particularly during the district planning workshops which are part of the local planning process (Bañez-Ockelford 2010: 5). NGOs with the main objective of advocacy work are a minority within the NGO community in Cambodia; they consist of only 7% of the NGOs in Cambodia (Bañez-Ockelford 2010: 16).

The legal requirements relating to the operation of NGOs is referred to in the Civil Code, providing a relatively straight forward process of registering NGOs (Article 49 *The Civil Code of Cambodia* 2008). As a result of this situation, there are many civil society organizations (CSOs) that are registered but are not in operation. According to a census by the Cooperation Committee for Cambodia (CCC), as of 2010, only 30% of

CSOs registered with the MoI were active (Cooperation Committee for Cambodia 2012a). According to the CCC, CSOs in Cambodia, which include NGOs, have been operating relatively freely (Cooperation Committee for Cambodia 2012b).

In order to tighten the control over CSOs, the Cambodian government announced its intention to introduce the Law on Associations and Non-Governmental Organizations (LANGO) in 2008, and since then has produced several versions of this draft law (Cooperation Committee for Cambodia 2012b). Compared to the current Civil Code the proposed new law requires a cumbersome process of registration, making it almost impossible for some of the organizations to register formally (Cooperation Committee for Cambodia 2011; *The Civil Code of Cambodia* 2008). In 2011 three UN Special Rapporteurs – Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights in Cambodia – sent a joint letter to the government pointing out the importance of easier access to the NGO registration process and of the government to guarantee the right for associations to appeal against a refusal of registration (United Nations Human Rights Council 2011: para.28).

6.3.5 Formal rules governing the Rivers Coalition in Cambodia

The RCC's Terms of Reference (ToR) determine the way in which decisions are made within the RCC (Rivers Coalition in Cambodia undated). According to the ToR, Activities of the RCC are discussed at bimonthly meetings where all the members are invited to attend. The RCC operates on a consensus basis. In case consensus cannot be reached among all the members or there is an urgent issue which needs deciding, certain members designated as 'core members' take the responsibility for decision-making on behalf of the network (Rivers Coalition in Cambodia undated: 19; C3 2012). During the field work conducted for this thesis two versions of ToR were obtained: an older version which is undated, and a new version drafted in October 2012. Both ToRs were consulted during the study (Rivers Coalition in Cambodia undated, 2012). However, since this thesis reviewed advocacy

activities which took place from September 2010 until August 2012, the thesis primarily refers to the older version of the ToR when analysing the influence of this formal rule.

6.4 Informal rules and norms in Cambodia

6.4.1 Neo-patrimonialism, fear towards authorities, and taboo in criticizing others

Historically Cambodia has been a monarchical state ruled by its king. Through this rule, Cambodian society traditionally has characteristics of patrimonialism (Pak et al. 2007: 49). Patrimonialism is ‘a power regime based on the personal power of the patron, and his/her discretionary ability to dispense favour and resources to clients, who in return rule as sub-patrons within their own domains ’(Pak et al. 2007: 63). Khmer society traditionally adopted patronage at family, kinship and village levels (Pak et al. 2007: 53). This Khmer tradition is backed by a belief in Theravada Buddhism that people who have a high status and great power are generally believed to have done good deeds in their past lives (Rotha and Vannarith 2008: 7; Pak et al. 2007: 42). This contributes to people’s acceptance of current power relationships between ‘rulers’ and ‘ruled’. It is also taboo to criticize someone in public, even if it is a constructive criticism (Rotha and Vannarith 2008: 10). Conflict avoidance and ‘saving face’ is another important cultural aspect to consider in Cambodian citizen’s relationships with their authorities. The hierarchical nature of Cambodian society does not allow people who are at ‘lower level’ in the society to criticise people who are more powerful and occupy higher level positions in society (Pak et al. 2007: 55). These cultural contexts contribute to creating ‘fear’ towards authorities. Öjendal and Sedara (2006) refer to ‘*korob* (respect), *kaud* (admiration) and *klach* (fear)’ as key concepts representing Khmer citizen’s general feeling towards the local authorities (Öjendal and Sedara 2006).

Traditional patrimonialism based on kinship ties within a community transformed into neo-patrimonialism which helped formal bureaucratic institutions gain power during the French colonial regime of the 1860s (Pak et al. 2007: 50, 57). Together with neighbouring Vietnam,

Cambodia was a French colony from 1863 to 1953 (Cambodian Tribunal Monitor undated). The French regime hired Cambodian civil servants who were awarded prestige by the colonial regime and were in the position to extract taxes from rural peasants, without having accountability to local people (Pak et al. 2007: 50; Rusten et al. 2004: 87). In 1953, Cambodia gained its independence from France. The political regime which followed independence in 1953 intensified the power of patronage through neo-patrimonialism where the 'chief executive maintains authority through personal patronage rather than through ideology or law' (Pak et al. 2007: 63; Bratton and Walle 1994: 458). This helped establish an authoritarian and corrupt political environment (Pak et al. 2007: 50). The Khmer Rouge, who ruled Cambodia from 1975 to 1979, used power in extreme ways, controlling food supplies and using violence (Pak et al. 2007: 52; Ledgerwood, Ebihara, and Mortland 1994: 12). Under an ideology based on the desire to build an economy based on agricultural collectivism the Khmer Rouge forced both urban and rural citizens into forced labour conditions, without providing sufficient food for them (Ledgerwood, Ebihara, and Mortland 1994: 12). Authorities under the People's Republic of Kampuchea, which came into being after the notorious Khmer Rouge period, also confiscated surplus harvests from poor people and forced them into collective work. This continued to promote the existing hierarchy system and did not allow Cambodians to question the authorities (Öjendal and Sedara 2006: 513; Pak et al. 2007: 52).

The Khmer Rouge significantly affected kinship and social ties in Cambodian society through their policies of separating family members and creating distrust among individual family members. This still affects Cambodian society (Pak et al. 2007: 57). Children were separated from their parents and husbands and wives were separated (Ledgerwood, Ebihara, and Mortland 1994: 13). People were encouraged to spy on each other and some children were taught to spy on their parents (Clarke 1993: 66; Rotha and Vannarith 2008: 8). Although the Khmer Rouge regime ended in 1979 many interviewees indicated that spies commissioned by the ruling Cambodian People's Party (CPP) still exist at various levels within the society, including among university students, monks, moto-dops (motorbike taxi

drivers), and journalists (C25 2012; C35 2012; C21 2012). Under the current system of ‘spies’ the CPP pays a small amount of money to these spies who in return, report any activities that could be potential threats to the ruling party (C21 2012; C25 2012; C35 2012). This behaviour creates distrust and fear in Khmer society, another factor contributing to the informal pressure exerted by the authorities.

The Khmer Rouge era created significant scars in Cambodian society, destroying families and communities. In 1979, the Vietnamese army, along with some of the former Khmer Rouge members, invaded Cambodia, establishing the People’s Republic of Kampuchea (PRK). While the new regime established by Vietnam and led by Heng Samrin ruled the country, the Khmer Rouge forces still fought to regain power. This resulted in another decade of civil war (Vickery 1984). The Paris Peace Agreement, which was signed in 1991, officially ended the internal conflict in Cambodia. The country entered into a period of democratic regime which officially granted rights to citizens for political participation (Ledgerwood, Ebihara, and Mortland 1994: 16). The introduction of this new system of governance could have allowed Cambodia to establish a non-authoritarian, democratic state with leaders selected through an elective process. However, neo-patrimonialism continued to develop during this period, when the CPP effectively used a ‘carrot and sticks’ policy to strengthen their power and to win the hearts of rural voters (Un 2011: 556).

Starting in 1998, the CPP’s Party Working Groups (PWG) created patronage networks from central to local levels, often operating in parallel to state institutions and channelling centrally controlled resources into rural infrastructure development in the communities (Hughes 2009: 159; Un 2011: 556). At times this system created the situation where communities supporting the opposition parties did not receive funds which should have been allocated to their communities’ development (C30 2012; C35 2012), thus creating pressure within the village to vote for the CPP.

The CPP party members continue to receive favours. At the village level, the CPP members receive more support when there is a land dispute or competition over natural resource use (C30 2012; C35 2012). At times, community members who are labelled as non-CPP members could face

discrimination within their communities (Rotha and Vannarith 2008: 5). Government staff members are expected to provide support to the CPP's political campaigns (C30 2012). On top of this system, nepotism is rampant in the government system, allowing family members of high ranking officials to be promoted, and giving CPP party members an additional advantage (C30 2012; Global Witness 2007). Corruption occurs widely at every level in Cambodia (Un 2006). Despite international and domestic criticism about corruption, according to Un (2006), no high-ranking officials have ever being punished for corruption. Thus there is zero-risk in continuing corruption (Un 2006: 229). The personal advantage which results from supporting the CPP brings incentives for ordinary citizens to support the CPP and discourages them from disobeying the party.

There has also been a major crackdown on the opposition parties. The most symbolic event was in 1997 when Hun Sen orchestrated a coup-d'état that resulted in ousting Prince Norodom Ranariddh, the leader of the ruling FUNCINPEC party, and killing 40 top FUNCINPEC officers (Un 2011: 549). The government security personnel also attacked peaceful demonstrations organized by Sam Rainsy, the key opposition party leader, killing 16 people and wounding over 100 people (Un 2011: 549). The election in 1998 resulted in the victory of the CPP. However, it was perceived to be seriously flawed by international observers and urban residents in Cambodia. Monks and students started peaceful demonstrations, demanding democracy and peace. The demonstration continued for approximately 6 months, and was joined by approximately 10,000 people (New York Times News Service 1998; C21 2012). However, it ended in bloodshed as the police and the military forcefully cracked down on demonstrators (C21 2012). This event silenced any further movements by monks and students in Cambodia. During the government's crack-down in 1998 a number of students disappeared, creating fear in other students and an unwillingness to speak up (C21 2012; C35 2012). Many monks have also disappeared and their bodies were discovered later without clear explanations (C21 2012; C35 2012). All the Buddhist temples were 're-educated' by the ruling party to follow party ideology (C21 2012; C25 2012). Currently the head monk in Phnom Penh is appointed by the CPP

and local Buddhist ceremonies are often used as part of the CPP's election campaigns (C25 2012; C9 2012b).

The CPP's violent political crack-down resulted an increase in opposition parties' popularity in the late 1990s (Un 2011: 556). However, the silencing of the opposition continues through the use of formal rules. The major opposition party leader Sam Rainsy has faced a number of criminal charges. In a recent case, in January 2010, Sam Rainsy was charged for racial incitement for simply removing some of the border posts installed on the border of Cambodia and Vietnam. He was sentenced to two years in prison according to the Criminal Law and Procedure of the UNTAC (United Nations Transitional Authority in Cambodia) (Human Rights Watch 2010; Anstis 2012: 317; *UNTAC Criminal Code* 1992). Later in the same year he was sentenced to ten years in prison for disinformation and falsification of public documents after he was charged with manipulating a map to demonstrate that Vietnam had encroached on Cambodian territory (LICADHO 2010a; United Nations Human Rights Council 2011: 9). Surya Subedi, the United Nations special rapporteur on human rights in Cambodia, highlighted that this was an example of rule of law in Cambodia where courts implement laws in ways which do not conform to the scope of the law. Subedi criticized this sentence as politically motivated (United Nations Human Rights Council 2009: para 23). He continued:

'In any properly functioning democracy, such political matters would be debated in the parliament and become a matter of public debate rather than the subject of a criminal case before courts' (United Nations Human Rights Council 2009: para.23).

The way that Cambodia uses law as a means of intimidating the opposition is now widely regarded as a practice adopted by authoritarian regimes to maintain control (Anstis 2012: 312).

6.5 Formal rules in Vietnam

6.5.1 Formal rules for interest articulation and decision-making

Vietnam is a socialist republic based on Marxism-Leninism and Ho Chi Minh's thoughts (*Constitution of Vietnam* 2001). Ho Chi Minh was

President of the Democratic republic of Vietnam (North Vietnam) from 1945 to 1969 and he is considered to be the founding father of modern Vietnam. The Constitution (1992) which was adopted in 1992, provides the legal basis for Vietnam's political structure (*Constitution of Vietnam* 2001). The Constitution also guarantees the rights of people to be nominated and vote in elections to the National Assembly and the People's Councils, which play executives roles at national and at local levels within Vietnam (Article 54 *Constitution of Vietnam* 2001). Citizen's rights to participate in the management of the State and send petitions to People's Councils are also rights guaranteed in the Constitution (Article 53 *Constitution of Vietnam* 2001). These are important rights for interest articulation for Vietnamese citizens.

6.5.2 Doi Moi

Vietnam is a single party state, led by the Communist Party of Vietnam (CPV). The CPV was established in 1930 by Ho Chi Minh. The country became a battle field during the Cold War from 1955-1975 during the fight between the communist supported northern Vietnam and the US supported South. The war ended in 1975 when the US army left South Vietnam. The entire country has been governed by the communist party since then.

During the Cold War, the CPV had close relationships with the Soviet Union and communist countries in Eastern Europe. The country also adopted a planned economy where corporations were state-owned and farmers were grouped into collective agriculture production units (Irvin 1995). This planned economy did not lead to a productive economy, resulting in the Vietnamese government's introduction of reformed economic policy called Doi Moi. Doi Moi decentralized state-owned corporations, allowed private enterprises to operate, and privatized agricultural production (Beresford 2008; Gainsborough 2010; Irvin 1995). This reform, which coincided with the collapse of Eastern European regimes, reoriented Vietnam's foreign relations from its earlier focus on communist bloc countries, to non-communist countries (Norlund et al. 2006: 10). For instance, in 1994 the US lifted its trade embargo with Vietnam which had been in place since the end of the Vietnamese war in 1975 (Cockburn 1994).

This shift has also resulted in western donors increasing their development cooperation with Vietnam, resulting in an increase of the number of international NGOs present in Vietnam, as well as an increase in local NGOs (Norlund et al. 2006: 10). The Doi Moi reform created an important shift in Vietnamese civil society.

6.5.3 Formal rules associated with freedom of expression

Both the Constitution of Vietnam and the Law on Media guarantee the freedom of speech and freedom of press (Article 69 *Constitution of Vietnam* 2001; Article 2 *Law on Media. No. 12/1999/QH10 of 12 June 1999* 1999). These rights are, however, at times threatened through the use of a Penal code which states ‘freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms which infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens, shall be subject to warning, non-custodial reform for up to three years or a prison term of between six months and three years’ (Article 258 *Penal Code, Vietnam* 1999). The Law on Media guarantees citizens’ rights to freedom of speech by ensuring their rights to contact and provide information to media without being subject to censorship and to express opinions on domestic and world and current affairs (Article 4 *Law on Media. No. 12/1999/QH10 of 12 June 1999* 1999). On the other hand, the same law obliges journalists to ‘protect the guidelines and policies of the Party and the laws of the State; to seek out and protect positive initiatives; to fight against wrong ideology’ (Article 15(2)(b) *Law on Media. No. 12/1999/QH10 of 12 June 1999* 1999), which appears to counteract the freedom of expression guaranteed in the same law.

6.5.4 Formal rules governing NGOs in Vietnam

Many scholars discuss the close relationship between the state and civil society in Vietnam, indicating that the boundary between the state and civil society is fuzzy (Kerkvliet 2001: 241; Thayer 2008: 5-11; Norlund et al. 2006: 32). Historically, prior to 1986 when Vietnam adopted the Doi Moi policy, ‘civil society’ in the Vietnamese context primarily referred to ‘mass organizations’ (Norlund et al. 2006). As discussed in chapter 5, mass organizations, de-facto, work as the civil society arm of the CPV.

Organizations currently called ‘Vietnamese NGOs (VNGOs)’ emerged in the 1990s (Norlund et al. 2006: 26). As opposed to mass organizations that are associations of certain professions, the VNGOs are primarily issue-based organizations and many focus their work on social and human development (Norlund et al. 2006). Initially, some of these VNGOs were established as science and technology organizations under the Decree 35-HDBT (1992) on the establishment of non-profit and science and technology organisations, and the Decree 81/2002/ND-CP on the implementation of the Science and Technology law (*Decree No. 35/HTBT* 1992; *Decree No. 81/2002/ND-CP* 2002; Norlund et al. 2006: 72).

Decree 88 was adopted in 2003 as a legal framework which allowed for the establishment and registration of ‘associations’ which distinguish VNGOs from mass organizations (*Decree No. 88/2003/ND-CP* 2003). While the word ‘NGO’ is currently used in Vietnam referring to the associations established under the Decree 88, the word was not initially accepted within Vietnamese society. The Vietnamese word for NGO (*tô chức phi chính phủ*) means “organizations external to the State,” which gives the connotation in Vietnam that anything external to the state is anti-state or anarchist (Thayer 2008: 9; Norlund et al. 2006: 30).

The establishment of Vietnamese NGOs is permitted by different state institutions depending on geographic scope of the NGO (Article 15 *Decree No. 88/2003/ND-CP* 2003). Decree No 30/2003/ND-CP regulates operations of social and charity funds that includes NGOs. One of the requirements under this decree is for NGOs to operate under government agencies with recognized competences (Article 4 *Decree No. 30/2012/ND-CP* 2012). This article, by its nature, makes NGOs susceptible to government’s influence. With this requirement many of the Vietnamese NGOs are registered under the Vietnam Union for Science and Technology Association (VUSTA) (Norlund 2007: 11). The VRN, which is one of the case study NGO coalitions used in this thesis, is registered as one of the projects of the WARECOD, a Vietnamese NGO registered under VUSTA.

The Prime Minister’s decision 22/2002/QĐ-TTg assigns VUSTA to objectively review the Vietnamese government’s policies (PM decision 22/2002/QĐ-TTg). Through this mandate, VUSTA is able to provide its comments on hydropower dam projects to the Vietnamese government. This

formal rule contributed to enhancing VUSTA's role in creating access to decision-makers over the issue of hydropower development in the Mekong, which the VRN is concerned about.

The regulation of VUSTA defines rights and obligations of VUSTA member associations (Article 7-9 *VUSTA Regulation* 2006). VNGOs registered under VUSTA are considered as their member associations (V7 2012). VUSTA's regulations define the rights of VUSTA member associations to participate in VUSTA activities (Article 9 *VUSTA Regulation* 2006).

The government promulgated a regulation on the management and use of foreign nongovernmental aid in 2009 (*Regulation on the use of aid from INGO* 2009). This regulation requires government agencies to approve the use of funds provided by foreign nongovernmental organizations. The government agencies that approve the use of funds depends on the amount and the purpose of funds (*Regulation on the use of aid from INGO* 2009).

6.5.5 Formal rules governing the Vietnam Rivers Network

The regulation of the VRN was adopted in 2009. It defines a structure of the VRN and the different roles assigned to each position within the network. One interesting aspect of the regulation is that it does not provide a clear mechanism for decision-making within the network. Instead, the regulation defines how and when the network's name can be used as members conduct activities. The regulation indicates that at least one member of the executive committee needs to participate in monitoring the use of the VRN's name (Article 21 *Vietnam Rivers Network* 2009a). According to an interview with one of the key members of the VRN, the decision-making process is not strictly regulated as the aim is to maintain flexibility in working style (V10 2012). The interviewee also claimed that since network members participate in various activities voluntarily, it is better not to make too strict rules (V10 2012).

Decisions related to the VRN's advocacy on the Xayaburi dam was determined within the VRN's Mekong task force, and the rest of the network would hear about the key issues or summary of the task force's activities through regular e-mails (V2 2012; V11 2012). This style of working within the VRN allowed the Mekong task force to conduct a

variety of activities swiftly, compared with the way network decisions are made within the RCC which will be discussed in chapter 9.

6.6 Informal rules and norms in Vietnam

Through the analysis undertaken in this thesis several informal rules and norms which exist in Vietnamese society were identified; these are discussed in the following section.

6.6.1 Valuing Science

Vietnam has a long tradition of assigning importance to education and science. From 111BC to 938 AD China ruled over most of current Vietnam and this influenced Vietnam to adopt Confucian philosophy, thus providing an emphasis on education (Zink 2009: 9). The Vietnamese dynasties which ruled the country after the end of Chinese rule also emphasized education, symbolized by the Ly dynasty (1009-1225) which built the Temple of Literature in Hanoi (1070) (Zink 2009: 10). In reply to Vietnamese who demanded access to education, the French colonial government also made various arrangements for improving education, including founding the University of Indochina in Hanoi in 1906 (Zink 2009: 12) now the Vietnam National University in Hanoi.

6.6.2 Personal trust

Vietnam, as a traditional agrarian society with influences from Confucianism, traditionally has a tendency to trust small circles of acquaintances, particularly those consisting of family or village members (Turner and An Nguyen 2005: 1703; Dalton et al. 2001: 7). According to the World Values Survey conducted in 2001 by the Institute of Human Studies in Vietnam, 41% of the respondents answered that people can be trusted and the remaining 59% of the respondents answered that one needs to be careful when dealing with other people (Dalton et al. 2001: 6).

6.6.3 Fence-breaking

The Vietnamese concept of 'fence-breaking' means violation of rules and regulations that are set up by the party and the state (Vasavakul

2003). Traditionally, Vietnamese society had strong village communities which often played important roles in determining how centrally driven policy should be implemented at the local level (Lucius 2009: 8; Dalton and Ong 2005: 2). At times, Vietnamese citizens relied on ‘fence-breaking’ strategies to convey their policy preferences (Vasavakul 2003: 32).

6.7 Chapter conclusion

This chapter provided the background to the rules and norms that affect the advocacy strategies of the two case study NGO coalitions. This background is essential for the analysis of these strategies that will be discussed in part III. The comparison of rules and norms conducted in this chapter illustrates some key points that support the further analysis.

First of all, the chapter highlighted differences in the formal rules that govern NGOs in Cambodia and Vietnam. In Vietnam, formal rules create stronger relationship between and control of NGOs by the state, compared to Cambodia. This relationship is an important factor when considering state-NGO relationships in both countries, something that will be further discussed in Chapter 9.

Secondly, the analysis in this chapter highlighted the influence of external donors in shaping NGOs in both Cambodia and Vietnam. The emergence of the NGO sector in Cambodia was a result of the availability of external donors providing funds towards reconstruction of the country. Vietnamese NGOs emerged as a result of Vietnam opening its economy to the West through the Doi Moi policy.

Thirdly, the comparison revealed differences in the formal rules governing the NGO coalitions themselves. While the RCC has a clear and formalized decision-making mechanism, the VRN’s decision-making mechanism is not formalized. The difference in these formal rules also affects the working culture within each coalition and influences strategies. This will be discussed in more detail in part III.

Finally, the comparison identified that the Constitutions of both Cambodia and Vietnam guarantee freedom of expression. However, other laws and formal rules which exist within both countries have Articles that undermine this right, particularly for the media. This contradictory

relationship between formal rules was shown to be an important influence on NGO strategies towards the media. This is discussed in chapter 11.

PART III: STRATEGIES AND INTERACTIONS

Chapter 7: Overview of the Xayaburi PNPCA process and positions of key actors

7.1 Introduction

Based on understandings of the Xayaburi dam's physical and material conditions, key actors, and legal requirements under the PNPCA procedure presented in earlier chapters, this chapter provides a detailed description of the PNPCA process of the Xayaburi hydropower dam. The main focus is on an understanding of key actors' positions, as they can potentially influence the advocacy strategies adopted by the case study NGO coalitions. As discussed in chapter 3 the focus of the case studies used in this thesis is on activities which took place during the two years from the time the Lao PDR officially notified the MRC of its intention to build the Xayaburi dam, thus instigating the PNPCA process, i.e. from September 2010 until August 2012. Therefore this chapter focuses on activities during these two years.

In discussing the activities of the various actors the overall timeframe is divided into three parts, in order to highlight the shift in the actors' positions and dynamics in their relationships throughout the PNPCA process. These three parts are 1) from the beginning of the PNPCA process (September 2010) until the end of initial six months when the Joint Committee met to reach an agreement in April 2011; 2) after the Joint Committee meeting in April 2011 to the MRC Council meeting in December 2011; and 3) January- August 2012 during which time the Lao PDR officially acknowledged the construction of the Xayaburi hydropower dam.

Tables 6-8 illustrate this timeline of events and the different actions taken by the different actors are inserted for each period. This highlights the sequence of events and the reactions to key events by different actors. The strategies of the RCC and the VRN are not discussed in detail in this chapter since they will be the main focus of chapters 8-11. However, they are included in the table in order to support the analysis of their strategies discussed in chapter 8-11. Some of the activities are not specifically listed in the timetables since they are on-going activities, such as informal meetings

with various officials. In Table 6-8, activities by the RCC and the VRN are indicated depending on their different target audiences. (R) represents activities targeted at regional decision-makers, (N) represents activities targeted at national decision-makers, (S) represents activities targeted at stakeholders in potentially affected areas, and (P) represents general public. These typologies of target audiences will provide a roadmap for the analysis of strategies which follows in chapters 8-11.

7.2 From initiation of the PNPCA process until the MRC Joint Committee meeting on April 2011 (September 2010-April 2011)

The PNPCA process for the Xayaburi hydropower dam was initiated on 20th of September 2010 when the Lao National Mekong Committee informed the MRC of its intention to build the Xayaburi hydropower dam and submitted relevant documentation for the project (Mekong River Commission 2011d; Mekong River Commission Secretariat 2011: i). Subsequently, all the submitted documents were circulated to the MRC Joint Committee members in October 2010 (Mekong River Commission Secretariat 2011: Annex 1A). These documents included a feasibility study, the Environmental Impact Assessment (EIA) report, and the Social Impact Assessment (SIA) report. While these documents were shared among the MRC member states, they were not disclosed to the public until a much later stage in the PNPCA process (Mekong River Commission 2011c: 2; R2 2011). The MRC JC established the PNPCA working group in October 2010 and conducted a series of meetings to determine and implement the PNPCA (Mekong River Commission Secretariat 2011). Following the PNPCA rule which suggested that the timeframe for prior consultation should be a minimum of six months, the initial goal of the JC was to conclude the PNPCA process by 22nd of April 2011 (Article 5.5.1 *PNPCA* 2003; Mekong River Commission Secretariat 2011: i). During this six month period the MRC commissioned a team of independent experts to conduct technical reviews of the Xayaburi hydropower dam. The expert panel recommended that further information on transboundary impacts and mitigation measures were both required before proceeding with the Xayaburi dam (Mekong River Commission Secretariat 2011). The result of

the review was published in March 2011 as the Prior Consultation Project review report (Mekong River Commission Secretariat 2011).

Table 6: Key activities during the initial 6 months of the PNPCHA

(Sources: International Rivers 2013c; Mekong River Commission 2011c, 2011d, 2011b, 2012b; Thai People's Network for Mekong 2011; Save the Mekong 2012a; Baran et al. 2011; Trandem 2011; International Rivers 2011a; 11.11.11, Belgium et al. 2011)

Legends: (R): activities targeted at regional decision-makers. (N): activities targeted at national decision-makers.

(S): activities targeted at stakeholders in potentially affected areas. (P): activities targeted at general public.

Time	Key events	Key reactions by NGOs in the Mekong region	The RCC activity	The VRN activity
Sept 2010	The Lao PDR notified its intension to build the Xayaburi dam, initiating the PNPCHA process.			
Oct 2010	PNPCHA process officially commenced (Oct 1 st)	The Save the Mekong (STM) Coalition sent a letter to the MRC CEO asking to halt the Xayaburi PNPCHA (Oct 13 th) (R)	The RCC signed the letter drafted by the STM Coalition (R)	The VRN signed the letter drafted by the STM Coalition (R)
Oct 2010	The MRC Secretariat released the final SEA report of the Mekong's mainstream hydropower dams.	The SEA report and recommendations from the study were used by NGOs in their arguments as reference points. (R)		
Nov 2010				The VRN and Pan Nature co-hosted a public dialogue on the Mekong mainstream dams, targeting the Vietnam National Assembly members and VRN members. (N)
Jan 2011	The 17 th MRC Council meeting was held.	The STM Coalition sent a letter to MRC council members, requesting a halt of the Xayaburi PNPCHA process. (R)	Some of the RCC members individually signed the letter drafted by the STM Coalition. (R)	The VRN signed the letter drafted by the STM Coalition (R)
Feb-Mar 2011	A series of PNPCHA public consultations took place in Cambodia, Vietnam and Thailand, organized by respective National Mekong Committees. Feasibility study was released to the public. EIA and SIA reports were not made public at this point (Feb 14 th)	WWF commissioned an expert review of the feasibility study and the EIA from a fish and fisheries aspect (March 2011) (R)	The RCC members participated in both of the PNPCHA public consultation meetings in Cambodia, and distributed the Xayaburi fact sheet (translation of the International River's fact sheet) to participants. The RCC members held a side meeting with the CNMC during one of the consultations. (N,S)	The VRN members participated in the PNPCHA national consultation meeting. None of the members were invited to the consultation held in the Mekong Delta. The VRN distributed a Xayaburi fact sheet (translation of the International River's fact sheet) to participants at both consultations. (N,S)
March 2011	Lao government and the Xayaburi power company signed a concession agreement for the project	263 NGOs from 51 countries signed a letter to the Prime Ministers of the Lao PDR and Thailand, requesting them to cancel the Xayaburi dam. (R)	Some of the RCC members signed to the letter to the Prime Ministers of the Lao PDR and Thailand (R) The RCC wrote a thank you letter to the CNMC for collaboration during the public consultation (N) Mekong for Life event was held by one of the RCC members in Kratie province, involving floating down the Mekong River in inter-tubes (S,P)	The VRN signed the letter to the Prime Ministers of the Lao PDR and Thailand (R) The VRN organized an open dialogue on the costs and benefit of the Xayaburi dam and other dams on the Mekong's mainstream. Targeted at government officials, civil society organizations and scientists. (N)
April 2011	The MRC JC agreed to defer the Xayaburi decision to the Ministerial level.	BKK Post revealed the on-going road construction of the Xayaburi dam. (April 17 th) (R)		The VRN wrote a letter of petition to key government offices, including the Prime Minister, the Government Office, the MoNRE, the MARD, the VNMC, and the VUSTA (N)

In October 2010, the same month as the PNPCA process was initiated, the final report of the MRC commissioned Strategic Environmental Assessment (SEA) of 12 mainstream Mekong hydropower dam plans was published (ICEM 2010a). The report recommended 10 years of deferral for all planned mainstream hydropower dams (ICEM 2010b: 140). It advised riparian countries to conduct further studies and prepare the 'Mekong mainstream plan' requiring a framework of zoning and safeguards against any future development, including the identification of areas that the countries wished to keep for future generations (ICEM 2010b: 137-139). When the feasibility study and the environmental and social impact assessments of the Xayaburi dam were conducted, the SEA's recommendation was not ready and was therefore not taken into consideration. However, the report did provide the basis for the main arguments used by the NGOs in the region, as well as the governments of Cambodia and Vietnam, in suggesting further studies before decisions were made on the Xayaburi dam (The Socialist Republic of Viet Nam 2011; Save the Mekong 2011).

In responding to the commencement of the PNPCA process of the Xayaburi dam, the Save the Mekong (STM) Coalition sent a letter requesting the MRC to halt the Xayaburi PNPCA process, pointing out the inadequacies in the PNPCA process, particularly in the engagement of the public and disclosure of Xayaburi project related documents (Save the Mekong 2010).

As a way to garner public opinion related to the dam, official public consultations were conducted by respective NMCs during this initial six month period, except in the Lao PDR where a series of consultations were conducted during the SIA studies (Mekong River Commission 2011c: 15) which took place prior to the commencement of the PNPCA. The CNMC and the VNMC each conducted two stakeholder consultation workshops in their respective countries. One of them was targeted at national level stakeholders including government agencies and non-governmental organizations based in capital cities, and another one targeted at communities facing potential impact from the Xayaburi dam (Mekong River Commission 2011c). The Thai National Mekong Committee (TNMC) conducted four stakeholder workshops: three of them were held in localities

along the Mekong River's mainstream which faced potential impact from the Xayaburi dam, and one was held in Bangkok, the capital city (Mekong River Commission 2011c: 12). According to one of the interviewees engaged in organizing these consultation workshops, the MRC provided financial support to conduct two workshops in each country (C29 2011). However, Thailand decided to spend additional government funds to conduct additional workshops (C29 2011, 2012). The Lao National Mekong Committee (LNMC) did not hold any workshops during the PNPCA period. The LNMC maintained that the series of community level workshops conducted as part of the SIA of the Xayaburi dam between 2007-2010 were sufficient in terms of engaging with citizens (Mekong River Commission 2011c: 2).

These official consultations could have been used as opportunities for integrating the views of various stakeholders. Instead, they faced criticism from the NGOs in the region, primarily on the insufficient time allowed for the invitation of participants, for discussion, and limitations in the selection of the participants who were invited and in the information provided to the participants (Save the Mekong 2011; R2 2011). The Thai People's Network for Mekong, which consists of approximately 50 NGOs and local groups in Thailand, sent a letter to the CEO of the MRC in January 2011 requesting suspension of the PNPCA process as the public consultations were conducted in haste, and without clear understanding of the possible impacts (Thai People's Network for Mekong 2011). The STM Coalition sent a similar letter in January 2011 to the members of the MRC Council requesting a halt in the PNPCA process, in order to endorse the SEA report, and to conduct a credible process engaging the public (Save the Mekong 2011).

At the time of the public consultation some of the project documents such as the EIA and the SIA reports were not publicly distributed and the feasibility study report was only made available to the public in mid-February 2011, one month after the public consultation had started, therefore providing another reason for criticism (Save the Mekong 2011; R2 2011; R6 2012; Mekong River Commission 2011c: 2). The consultation process was also criticized for not allowing citizens of the Lao PDR to have an opportunity to be consulted during the PNPCA process

(HELVETAS Laos 2011). Although community consultations were held as part of the SIA, some of the critical information which would have been useful for the communities to develop their opinions had not been available at the time; this included the results of the SEA study which was only completed in October 2010.

In March 2011 263 NGOs from 51 countries signed a letter to the Prime Ministers of Thailand and the Lao PDR requesting cancellation of the Xayaburi hydropower dam (11.11.11. Belgium et al. 2011). This international scale advocacy activity was coordinated by international NGOs including IR, Both Ends, and the Focus on the Global South (Bank Information Center 2011). In the same month WWF published a report reviewing the feasibility study and the EIA report from a fish and fisheries perspective; this was published in March 2011 (Baran et al. 2011).

Ch Karnchang's annual report 2010 indicated that preliminary construction work on the Xayaburi hydropower dam started in the second half of 2010 (CH. Karnchang Public Company Limited 2011: 78), at the same time as initial discussions over the dam was taking place among the riparian nations. On 17th of April 2011, two days before the MRC JC special session was scheduled to meet, the Bangkok Post reported that road construction leading to the Xayaburi hydropower dam by Ch Karnchang had already begun prior to the decision on the dam (Bangkok Post 2011c). Viraphonh Viravong, the director general of the Lao PDR's Department of Electricity, the Ministry of Energy and Mines, defended this construction by indicating to journalists that this road work was requested by both Xayaburi and Luang Prabang provincial authorities, and was for the development of the area regardless of the status of the dam (Bangkok Post 2011a).

At the end of the initial six months of the Xayaburi PNPCA, the MRC JC special session was held on 19th of April 2011. At this meeting the member countries attempted to take a decision on Xayaburi hydropower dam. There were different opinions and the JC members were unable to come to an agreement. While the Lao PDR insisted that it would take the comments of other countries into consideration in the project and that the PNPCA process should be over, the other three member countries suggested needs for further impact assessment and consultations. The MRC member

countries therefore agreed to defer the decision on the Xayaburi hydropower to the ministerial level (Mekong River Commission 2011b).

The Cambodian government position during the initial 6 months of the PNPCA was included in the official reply to the MRC (Kingdom of Cambodia 2011). In this official reply, the Cambodian government expressed its concern on the lack of information, particularly on the transboundary impacts downstream of the dam. These included fisheries, flow change, sediment balance, erosion, ecosystem, agriculture, and livelihoods (Kingdom of Cambodia 2011). The government also expressed its concern over the PNPCA process. These concerns included the lack of time period for sufficient consultation and the lack of timely disclosure of project information to the public (Kingdom of Cambodia 2011). This reflects the concerns expressed by the NGOs throughout the initial 6 months of PNPCA consultation period (The NGO Forum on Cambodia 2011c; Save the Mekong 2011). This official response was significantly different to the comment made by the Secretary General of the CNMC, Pich Dun, in the beginning of the PNPCA process, that the government had organised consultations with civil society in the past, and he was not sure about the need for further public consultation (Roeun and McGillian 2010).

As discussed earlier, the Vietnamese government's main concern was the Xayaburi dam's impact on the Mekong Delta, a region which supports the livelihoods of nearly 20 million people in Vietnam (The Socialist Republic of Viet Nam 2011). In its official PNPCA reply to the Lao PDR, the Vietnamese government indicated that evidence of changes in the Mekong Delta had already been observed from the development in the upper reaches of the Mekong River, and suggested that all the hydropower projects on the Mekong mainstream be deferred for at least 10 years, in order to allow sufficient time to conduct studies on cumulative impacts (The Socialist Republic of Viet Nam 2011).

7.3 After the MRC Joint Committee meeting (19th April 2011) until the MRC Council meeting (8th December 2011)

During the 8 months following the MRC Joint Committee meeting in April 2011, the Xayaburi dam became an issue of a concern at the Prime

Ministerial level in both Cambodia and Vietnam (Vrieze and Bopha 2011). The Xayaburi dam was the subject of discussion at high level official meetings, many of which took place outside of the MRC governance framework. As an example, during the meeting between the Prime Ministers of Vietnam and Cambodia shortly after the MRC JC meeting in April, the Prime Ministers confirmed the importance of taking the negative impacts of the dam into consideration (Viet Nam News 2011). During the side meeting of the 18th ASEAN summit on 7th of May 2011, the Prime Minister of the Lao PDR Thoongsing Thammavong informed the Vietnamese Prime Minister Nguyen Tan Dung of the government's decision to temporarily suspend the Xayaburi hydropower dam project, a decision appreciated by Dung (Vietnam News Agency 2012). However, on 8th of June 2011 the Ministry of Energy and Mines of the Lao PDR issued a letter to the Xayaburi Power Company with its opinion that the PNPCA process had ended at the MRC Joint Committee level, since the Lao PDR had already provided the member countries of the MRC with opportunities for evaluating the Xayaburi project (Phomsoupha 2011). This incidence highlighted the fact that whether the PNPCA process was complete or not was open to interpretation in different ways by different member states.

NGOs in the region reacted to the actions of the Lao PDR. The letter from the Lao Government to the Xayaburi Power Company was leaked to IR, which in turn commissioned Perkins Coie, a US law firm, to conduct a legal review to determine whether the Lao's conclusion regarding the status of the PNPCA was erroneous (Stephen J. Higgs. Perkins Coie 2011). Referring to the 1995 Mekong Agreement (Chapter II *Mekong Agreement* 1995) the review concluded that the Lao PDR could not unilaterally terminate the PNPCA process (Stephen J. Higgs. Perkins Coie 2011). In addition, referring to 'good faith and transparency,' which is one of the key principles of the PNPCA, the review pointed out that the Lao PDR had ignored the concerns raised by other member countries and that it had not conducted a transparent stakeholder consultation process (Stephen J. Higgs. Perkins Coie 2011). Similarly, the Mekong Legal Network (MLN) wrote a legal briefing note on the Xayaburi PNPCA which was sent to the members of the MRC Council, Joint Committee, the Secretariat, and Foreign Ministers of the member countries (Mekong Legal Network 2011:

1). The MLN is a network consisting of lawyers primarily from the Mekong region, aiming to promote the rule of law particularly on cross-border issues, including hydropower dams. It is fostered by Earthrights International, a US based human rights NGO (Earthrights International 2012). Similarly to the Perkins Coie's legal review, the review by the MLN pointed out that the Lao PDR's unilateral termination of the PNPCA was a breach of its obligations (Mekong Legal Network 2011).

In its attempt to legitimize the termination of the PNPCA process the government of Lao PDR commissioned a Finnish consultancy company, Pöyry, to review the Lao PDR's compliance with the PNPCA process. The compliance report prepared by Pöyry in August 2011 (referred to as the Pöyry report) reviewed whether the Xayaburi project owner (Xayaburi power company) had complied with the MRC's Preliminary Design Guidance for Proposed Hydropower Dam in the Lower Mekong Basin (2009) and whether the Government of the Lao PDR and the project owner addressed the concerns raised by other MRC member countries during the prior consultation process (Government of Lao PDR and Pöyry 2011). It also reviewed points raised in the prior consultation project review report commissioned by the MRC during the initial six month period of the PNPCA process (Government of Lao PDR and Pöyry 2011). The report concluded that the Xayaburi hydropower dam, in principle, follows the MRC design guidelines. However, it also recommends technical improvement to the dam (Government of Lao PDR and Pöyry 2011: 14).

Table 7: Key activities May-December 2013

(Sources: International Rivers 2013c; Mekong River Commission 2011c, 2011d, 2011b, 2012b; Thai People's Network for Mekong 2011; Save the Mekong 2012a; Baran et al. 2011; Trandem 2011; International Rivers 2011a; 11.11.11. Belgium et al. 2011)

Legends: (R): activities targeted at regional decision-makers. (N): activities targeted at national decision-makers. (S): activities targeted at stakeholders in potentially affected areas. (P): activities targeted at general public.

Time	Key events	Key reactions by NGOs in the Mekong region	The RCC activity	The VRN activity
May 2011	Lao Prime Minister indicated suspension of the Xayaburi project while he was at the 18 th ASEAN summit (May 7 th)	The STM Coalition released a statement to the 18 th ASEAN summit calling for ASEAN leaders to urge cancellation of the Xayaburi dam. (R)		
June 2011	Laos' Ministry of Mine and Energy wrote a letter to the Xayaburi power company indicating that the PNPCA process was	The IR commissioned the US law firm Perkins Coie to review Laos' unilateral termination of PNPCA. The MLN sent a legal briefing note to the MRC members. (R)		

Time	Key events	Key reactions by NGOs in the Mekong region	The RCC activity	The VRN activity
	completed. During the MRC Donor meeting in June, the Lao PDR insisted that the PNPCA process was completed			
July 2011				The VRN conducted a workshop on hydropower dams, targeting provincial governments and scientists within the Mekong Delta.(S)
August 2011	Pöyry report evaluating the Lao PDR's compliance with the 1995 Mekong Agreement was published	Heavy criticism about the Pöyry report's credibility. The IR and WWF separately published review of the Pöyry report. (R)		
October 2011	EGAT signed power purchase agreement with Xayaburi power company	Thai NGOs filed a court case against EGAT power purchase agreement (August 2012) (R)		
Nov 2011			Xayaburi youth forum conducted by the RCC, invited Phnom Penh based university students to discuss the issue of the Xayaburi dam. The forum adopted a statement which was communicated to the media (P) Xayaburi radio talk show organized by CEPA. (P)	One of the VRN Mekong task force members joined the Vietnamese government's delegation for bilateral discussion with the Lao PDR The VRN conducted a workshop with VUSTA on the Mekong's hydropower dam, targeting scientists and media.(N, P) The VRN organized a training workshop on sediments and geomorphology, with the WWF.(N) The VRN and ForWet organized a workshop for provincial governments in the Mekong Delta, in collaboration with the Southwest Steering Committee. (S) The VRN organized a workshop for farmers within the Mekong Delta, discussing impacts of the hydropower dams.(S)
Dec 2011	The 18 th MRC Council meeting agreed to have further impact studies conducted before the Xayaburi could proceed.	Decision welcomed by NGOs	Conference on Climate Change, Agriculture and Hydropower was organized by the NGO Forum and the CARD. Targeted at various audiences including national decision-makers and public. (N,P) 3,208 Community representatives from Cambodia provided thumb print to a letter to Thai Prime Minister (S)	

The Pöyry report was heavily criticized by various actors. In November 2011 the Cambodia Daily, an English newspaper circulated in Cambodia, reported that the CNMC Secretary General Te Navuth expressed concern over the gap in knowledge of the Pöyry report, claiming that Laos 'is not looking far from the dam, just a few kilometres away in their own country' (Chen and Bopha 2011). The same newspaper article also provided

a comment by Nao Thuok, the director general of the Fisheries Administration, claiming that the Xayaburi dam would directly affect six million people whose livelihoods depend on the river (Chen and Bopha 2011). On the NGO side, a review by IR pointed out a number of faults in the Pöyry report, including its failure to respond to other MRC member states' concerns and to meet the MRC's design requirements (Herbertson 2011b). IR's report also criticized the contradictions and inadequacy of the science base used in the Pöyry report, which claimed that the Xayaburi dam met the MRC requirements, while at the same time it also recommended conducting more than 40 studies before project was in compliance (Herbertson 2011b, 2011a). WWF also published a review report on the Pöyry report, particularly from a fisheries perspective, pointing out the weakness of the proposed fish passes and the EIA (WWF 2011).

In response to the criticism against the Pöyry report the Lao government commissioned a French engineering company, Compagnie Nationale du Rhône (CNR) to conduct a peer review of the Pöyry report (Department of Energy Business (EB), Energy Policy and Planning Department (EPP), and Ministry of Energy and Mines-Lao PDR 2012). The report by CNR (CNR report) was finalized in March 2012. The report concluded that the Xayaburi project can comply with the MRC guidelines and other best practices on hydropower dams globally if suggestions for improvements are taken into account (Department of Energy Business (EB), Energy Policy and Planning Department (EPP), and Ministry of Energy and Mines-Lao PDR 2012: 20). The report was again criticized by the civil society groups. IR pointed out the absence of an assessment of transboundary impacts, as well as the report's assumption concerning sediment transports (International Rivers 2012a). WWF also criticized the CNR report for its failure to evaluate fish and fisheries (Worrell 2012).

In December 2011, the ministers of four MRC member countries met at the 18th MRC Council meeting (Mekong River Commission 2012b). The participants discussed the Xayaburi hydropower dam during this meeting and agreed to approach the Japanese government for support in conducting the impact study of the mainstream hydropower projects (Mekong River Commission 2012b: 3). This solution had been verbally agreed among the Prime Ministers at the 3rd Mekong-Japan Summit held in

November 2011 (Mekong River Commission 2012b: 3). The official meeting minutes do not clearly indicate an extension of the PNPCA period nor deferral of the Xayaburi dam construction until the impact study is completed. However, as reported in the regional media, it appeared to be widely understood as a deferral of the plan until the impact studies were completed (Bangkok Post 2011b; Lipes 2011); by all except one country, the Lao PDR. According to one of the interviewees, after the press conference of the MRC council meeting, the Lao PDR read a statement indicating that it considered that the prior consultation process of the 1995 Mekong Agreement was completed. This surprised many of those who were present at the scene (Lao PDR 2011; V16 2011).

7.4 January –August 2012

The MRC Council meeting in December 2011 concluded that there was a need for further study before making a final decision on the Xayaburi dam, and the MRC initiated the process of designing these further studies on the impacts of the mainstream dams. While the process of agreeing on the ToR of the studies among the four countries was delayed, the Vietnamese government initiated the process of undertaking its own study, focusing on the hydropower dam's impact on the Mekong Delta. This was to be conducted in collaboration with the Cambodian government (R2 2012). The contract to conduct the study was later signed in June 2013 with a Danish consultancy company and the VNMC (Huong 2013). Concurrently, the Lao PDR continued to move the Xayaburi dam plan forward, and in April 2012, the construction contract was signed between Ch Karnchang public company and the Xayaburi power company (CH. Karnchang Public Company Limited 2012).

These actions instigated further public criticism against the Xayaburi dam. In Thailand, villagers from eight provinces along the Mekong River rallied in front of Ch Karnchang's headquarter in Bangkok, demanding to stop the Xayaburi dam construction (Wannamontha 2012; Wiriyapong 2012). Further protests were conducted outside of the 'Mekong2Rio' conference in Phuket in May 2012. This conference gathered participants from various river basins across the world with the aim of promoting the sustainable use of water as one of the key agenda items for

the Rio +20 Summit in June 2012 (Mekong River Commission 2012a; Ganjanakhundee 2012b).

The Governments of Cambodia and Vietnam also responded to the Lao Governments actions associated with the dam. The Cambodian Minister of Water Resources and Meteorology (MORWAM), Lim Kean Hor, sent a letter to the Lao PDR in April 2012 requesting a halt to the construction of the Xayaburi dam and requesting detailed information about the impact on the Mekong River from the dam project (Narin and Chen 2012).

Newspapers reported that the permanent vice-chairman of the CNMC had warned Laos of potentially bringing the case before the international court (Vandenbrink 2012b). He did not indicate any specific courts, however, these types of disputes are typically handled by the International Court of Justice (Vandenbrink 2012b). The VNMC also criticised the construction plans, condemning the Ch Karnchang company's actions after the company notified signing the construction agreement on the Xayaburi dam in April 2012 and then notified the Thai Stock Exchange (Phong 2012; CH. Karnchang Public Company Limited 2012). At this stage, Vietnam condemned Ch Karnchang company but not the Lao government, claiming that the company violated the joint agreement made by the MRC member countries, an agreement that included the Lao PDR (Phong 2012).

The international donor community also raised concerns over the Xayaburi hydropower dam. The Xayaburi dam PNPCA process was raised at several informal donor meetings between development partners and the MRC members (Mekong River Commission 2011e). The development partners urged the MRC members to clarify the status of the PNPCA and offered financial or technical assistance in moving any required assessment forward (Development Partners to the MRC 2012; Mekong River Commission 2011a, 2011e). Some of the donors directly urged the Lao PDR to follow the consensus reached at the MRC meetings. For example, the US Secretary of State Hilary Clinton met with the Lao Prime Minister Thongsing Thammavong during her visit to the region in July 2012, urging Lao Prime Minister to put the Xayaburi dam on hold until impact studies were conducted (AFP 2012; OOSKAnews Correspondent 2012).

Table 8: Key activities January-August 2012

(Sources: International Rivers 2013c; Mekong River Commission 2011c, 2011d, 2011b, 2012b; Thai People's Network for Mekong 2011; Save the Mekong 2012a; Baran et al. 2011; Trandem 2011; International Rivers 2011a; 11.11.11. Belgium et al. 2011)

Legends: (R): activities targeted at regional decision-makers. (N): activities targeted at national decision-makers.

(S): activities targeted at stakeholders in potentially affected areas. (P): activities targeted at general public.

Time	Key events	Key reactions by NGOs in the Mekong region	The RCC activity	The VRN activity
January 2012			Training for Monks on Xayaburi in Kompong Cham, attended by 50 Monks (S)	
February 2012			Pray for river event organized by 3SPN. Calling for Cancellation of Xayaburi, and 10 year study of Xayaburi (S)	
March 2012	CNR report was published	The IR and the WWF separately criticized the report. (R)		
April 2012	Ch Karnchang informed the Stock Exchange of Thailand that it had signed a construction contract to build the Xayaburi dam (April 17 th)	Thai community groups protest in front of Ch Karnchang, and MRC meetings. (R)		
April-June 2012	Government of the Lao PDR made inconsistent statements regarding the Xayaburi dam construction	The STM Coalition sent letters to the MRC and ministers of Thailand, Cambodia and Vietnam, requesting for the clarification of PNPCA status. (R) IR conducted a site visit to the Xayaburi dam (June), filmed the construction and broadcasted the footage through the media, including the BBC (July). (P,R)	Some of the RCC members signed the letter by the STM Coalition (R)	The VRN signed the letter by the STM Coalition (R)
June 2012		A coalition of NGOs led by Siemempeu foundation (NGO in Finland) filed a complaint to the Finnish OECD focal point regarding Pöyry. (R)	The RCC joined the complaint to Pöyry (R) Peace Walk was organized by the RCC in Kompong Cham. 186 communities, monks, students and CSOs signed a petition to stop the dam during this Peace walk. (S) Two awareness raising events were held in Kratie province.(S)	The VRN joined the complaint to Pöyry.(R)
July 2012	The Lao PDR invited development partners and NGO representatives to visit the Xayaburi dam site, officially admitting the on-going construction.		The RCC wrote a letter to the Prime Ministers of Thailand and the Lao PDR, requesting a stop to the Xayaburi dam construction and a cancellation of the power purchase agreement (R)	The VRN organized a workshop for provincial governments and farmers in the Mekong Delta.(S)
August 2012			RCC posted an opinion article in the Bangkok Post pleading for a stop to the Xayaburi dam.(R)	The VRN organized a workshop with the VUSTA titled 'the Mekong and hydropower' targeting National Assembly members, scientists, journalists and NGOs.(N, P)

Time	Key events	Key reactions by NGOs in the Mekong region	The RCC activity	The VRN activity
November 2012	The Lao PDR officially launched Xayaburi dam construction			
January 2013	During the MRC Council meeting, Cambodia and Vietnam requested further impact assessments			

There were inconsistencies in the reactions of the Lao government to these criticisms. On the one hand, the Lao PDR appeared to continue construction of the Xayaburi dam. Viraphonh Viravong, the Lao Vice Minister of Energy and Mines, commented that ‘we will address all reasonable concerns in order to make this Xayaburi dam a transparent dam and a role model for other dams in the mainstream of the Mekong River’ (Ganjanakhundee 2012a; Hunt 2012). On the other hand, Viravong was also reported commenting that Laos would not make a final decision on the Xayaburi dam construction without the approval of the international community and the Lower Mekong riparian countries (Ganjanakhundee 2012a). Another senior official from the Lao Ministry of Foreign Affairs told to Radio Free Asia, one of the international media outlets in the region, that construction was discontinued and postponed, stating that the Lao PDR would comply with the 1995 Mekong Agreement (Vandenbrink 2012f). Subsequently, in June 2012, during the sidelines of the 18th ASEAN summit in Jakarta, the Vietnamese Prime Minister Nguyen Tan Dung praised Lao Prime Minister Thoongsing Thammavong of Laos’ decision to halt the Xayaburi dam construction (TalkVietnam 2012).

However, in reality, construction associated with the Xayaburi dam was continuing and in June 2012 IR visited the Xayaburi dam site to film the on-going construction. The footage was broadcasted through the BBC world news globally in July 2012, which again attracted criticism against the Lao PDR (Fisher 2012a). In July 2012 the Vietnamese and Cambodian Prime Ministers agreed to sign a joint letter to the Lao PDR and Thailand requesting more time for a comprehensive impact assessment before a decision was made on the dam (Vandenbrink 2012e; The Phnom Penh Post 2012). At the end of July 2012, the government of the Lao PDR organized a site visit for development partners, officially revealing the construction of the Xayaburi dam (Fisher 2012b; Ponnudurai 2012).

As another effort to try to stop the construction of the Xayaburi dam, thirty-seven community members living along the Mekong River in Thailand filed a lawsuit at the Administrative Court in Bangkok (Ten 2012; Deetes 2012). The lawsuit was filed against EGAT, the Thai Cabinet and three other entities, claiming that the Thai government allowed EGAT to sign the power purchase agreement with the Xayaburi power company without a proper impact assessment for the project (Vandenbrink 2012d). The Administrative Court of Thailand later claimed that it did not have the jurisdiction to hear this case since the power purchase agreement was binding between EGAT and the Xayaburi Power Company, and the community was not considered as injured persons (Chuang 2013). The decision also indicated that it was not within the capacity of the administrative court to hear a case of compliance with the PNPCA (Chuang 2013).

While concerns by public and other riparian countries still remained, the Lao PDR officially launched the construction of the Xayaburi hydropower dam in November 2012 (Ministry of Energy and Mines 2012). In its official statement, the Lao PDR again reiterated its understanding that Laos complied with the regional Mekong agreement, and that it had improved the design of the dam as a result of taking into consideration other riparian states' concerns (Ministry of Energy and Mines 2012). The official launch ceremony was attended by ambassadors from Cambodia and Vietnam, two downstream countries which had raised concerns over the dam (Vientiane Times 2012; Vandenbrink 2012c). However, during the MRC council meeting held in January 2013, representatives for these two countries again demanded an impact study from the Xayaburi (Vandenbrink 2013b). Despite the concerns, no further measures to stop the Xayaburi construction, nor measures to resolve the contradiction, were taken. At the time of writing this chapter (March 2013) construction continues at the Xayaburi dam site (OOSKANews Correspondent 2013).

7.5 Chapter conclusion

The review of actors and their positions during the Xayaburi PNPCA process provided some insights into the analysis of NGO strategies.

First of all, the positions of each government became clear at the end of the initial six months of the PNPCA process. Gaining clarity over the two governments' positions (Vietnam and Cambodia) was positive for both the RCC and the VRN in their subsequent advocacy work with their national decision-makers, as discussed in chapter 8.

Secondly, the review identified the shift in the forum for the states' negotiations over the Xayaburi dam over time. During the first six months of the PNPCA (until the JC meeting in April 2011) the MRC member states' activities and negotiations primarily took place within the MRC. However, many discussions following the initial six months period took place at various venues outside of the MRC, including side discussions during meetings between state representatives at events such as the ASEAN meeting, or in bilateral meetings. This shift in the venue of discussion had implications for the NGOs who aimed to influence the decision-making process.

Finally, and most importantly, the implementation of the PNPCA process of the Xayaburi dam was to a large extent dependent on actors' interpretations of the requirements and of the ambiguities in the requirements. This situation created difficulties for NGOs in both Vietnam and Cambodia as well as for the negotiating governments themselves, and hindered a clear conclusion of the way forward in the process.

One of the ambiguities was in determining when the prior consultation process could be considered 'complete.' The 1995 Mekong Agreement requires prior consultation to aim at arriving at an agreement by the JC (Article 5B *Mekong Agreement* 1995). This requirement does not make clear whether the consultation is considered complete when the member states aim at arriving at an agreement, but do not actually reach such an agreement, or whether it is considered complete only if the member state countries have come to an agreement before the consultation process ends. The lack of clarity on how to extend the duration of prior consultation was another associated problem. The PNPCA indicates that 'the timeframe for the Prior Consultation shall be six months from the date of receiving documents on Prior Consultation' (5.5.1 *PNPCA* 2003). However, it also indicates that 'if necessary, an extended period shall be permitted by the decision of the MRC JC' (5.5.2 *PNPCA* 2003).

In the case of the Xayaburi dam, at the end of six months from the time the PNPCA process commenced, MRC Joint Committee members were unable to unanimously conclude the consultation process, and therefore agreed that the decision on the prior consultation process of the Xayaburi dam be tabled at the ministerial level (Mekong River Commission 2011b). The official minutes from this JC meeting are not publicly available, and the exact wording agreed during this meeting is not clear. However, two months after the MRC JC meeting, the government of the Lao PDR expressed its opinion that it had provided an opportunity for each MRC member country to evaluate, discuss and comment on the Xayaburi project, and that it had taken all the concerns from the Member countries into consideration. Therefore it considered the Xayaburi prior consultation process was complete (Phomsoupha 2011), a decision which attracted the criticism of other riparian countries and other actors such as MRC donors and NGOs (Mekong River Commission 2011a). Even the MRC Secretariat was unable to provide a clear answer on the status of the PNPCA process. In response to a letter from a regional NGO coalition received 20 months after the PNPCA process started, the CEO of the MRC indicated that ‘due to differing views of the four countries no consensus could be reached on whether or not the consultation should be considered complete’ (Guttman 2012).

This situation revealed another associated problem for the Mekong Agreement, namely that it does not provide a detailed dispute resolution mechanism. Chapter V of the 1995 Mekong Agreement discusses how to address the differences and disputes (Chapter V *Mekong Agreement* 1995) and the Mekong Agreement suggests resolution through discussions within the MRC (Article 34 *Mekong Agreement* 1995). In case the difference or dispute cannot be resolved through the MRC, the Agreement suggests that countries resolve the issues through diplomatic channels, and in the last resort, ‘seek assistance to mediation through an entity or party mutually agreed upon prior to proceeding to the conflict resolution mechanism according to the principles of international law’ (Article 35 *Mekong Agreement* 1995). This conflict resolution mechanism under the 1995 Mekong Agreement is weak compared to other agreements in the area of international waters. For example, the United Nations Convention on the

Law of the Non-Navigational Uses of International Watercourses (1997 UN Watercourses Convention) provides a detailed procedure which parties can consider taking in case of dispute, such as submission of the dispute to International Court of Justice, and/or the establishment of Fact-Finding Commissions (Article 33 *UN Watercourses Convention* 1997). This somewhat ‘soft’ nature of dispute resolution mechanism under the 1995 Mekong Agreement may reflect the political culture in South East Asia described as the ‘ASEAN Way’ which incorporates social characteristics of Southeast Asian culture such as ‘conflict avoidance and harmony, consensual group behaviour, personal relationships taking precedence over other relationships in politics or business, and indirectness and circumlocution in communication’ (Hirsch et al. 2006: 76).

There was also ambiguity in how to ensure public participation and transparency of the process. While public participation is not a mandatory requirement under the PNPCA process the PNPCA specifies one of the roles and functions of the National Mekong Committees is ‘to facilitate any consultation, presentations, evaluation and site visit as requested by the MRC JC for the proposed use’ (Section 5.3.1 d. *PNPCA* 2003). During the PNPCA process, the PNPCA JC working group agreed that stakeholder consultation should be considered as a national matter (Mekong River Commission 2011c: 2). Organizing public consultation was therefore left to each NMC’s discretion within their jurisdiction, creating differences in approaches. The criticism by the NGOs that there was a lack of sufficient time for public consultation and participation reflects the fact existing MRC policies and guidelines on stakeholder participation (discussed in chapter 6) which specifically suggest these points, were not fully applied by the member states.

While ‘transparency’ is one of the key principles which the PNPCA process should be governed under (Section 3 *PNPCA* 2003) it does not specifically provide a mandate for states to act transparently on every decision or action. One of the points criticized by NGOs about the process of the Xayaburi PNPCA was the lack of transparency and information disclosure (Save the Mekong 2011). For instance, although all the technical documents later became publicly available through the MRC’s web sites (Mekong River Commission 2011d), when public consultation took place in

early 2011 only the feasibility study was available to public, not the EIA (Mekong River Commission 2011c: 2). The MRC prior consultation report indicates that the choice of disclosure of certain documents was the decision of the PNPCA Joint Committee Working Group which ‘considered that any submitted documents could only be released and/or disseminated beyond the MRC framework with the official permission of the submitting country, in this case the Lao PDR’ (Mekong River Commission 2011c: 2). This disclosure status indicates a weakness in the existing MRC framework. The MRC disclosure policy indicates that the project related EIA should be open to public after the report is released to public under prevailing national regulations (Section 4 Mekong River Commission 2007). In other words, if some of the member countries have weak domestic laws associated with access to information, it hinders transparency at the regional scale.

These ambiguities of the Mekong Agreement and the PNPCA created a situation in which NGOs in the region demanded more clarity and openness in state’s discussions. The situation illustrates the potential importance of formal rules such as the MRC Agreement in shaping the advocacy strategies of NGOs and civil society coalitions.

Table 6-8 highlighted the activities of the RCC and the VRN during this two years period. The activities were categorized into four types according to the target audiences. This categorization of advocacy strategies provides the structure for the analysis in the rest of this thesis. The following four chapters (chapter 8-11) compare the strategies adopted by each coalition and analyse how rules and norms shaped their strategies. The analysis compares the Vietnamese and Cambodian strategies targeting the same audiences: Chapter 8 compares strategies targeting regional decision-makers; chapter 9 compares strategies targeting national decision-makers; chapter 10 compares strategies targeting stakeholders who face potential impact from the Xayaburi dam, and chapter 11 compares strategies targeting the general public. Applying the framework for understanding advocacy strategies (Figure 1) developed in chapter 2, Figure 11 illustrates these categories of strategies and the overall structure of the thesis.

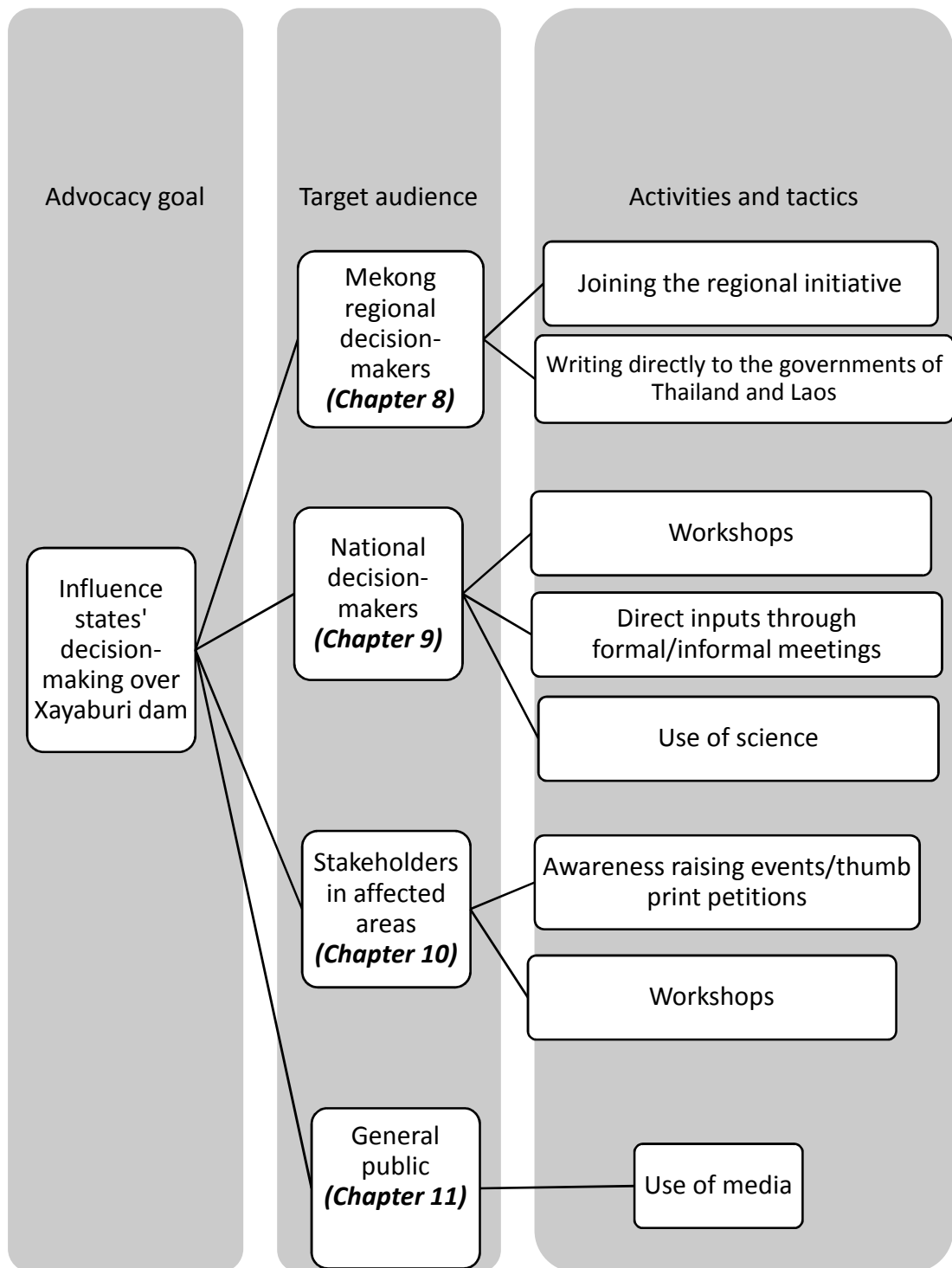


Figure 11: Structure of chapters discussing advocacy strategies

Chapter 8: Strategies targeting Mekong regional decision-makers

8.1 Chapter introduction

Advocacy attempting to influence international decision-making processes is not a simple task, particularly when there are a large number of states involved. For civil society groups operating at local and national levels, their entry points for influencing a group of international decision-makers may be limited. In order to engage with the international level of actors, civil society actors often formulate transnational networks, and attempt advocacy from different spheres. Transnational networks can play important roles in the advocacy strategies of national NGOs that are part of riparian nations such as those along the Mekong. Another entry point for civil society actors to dialogue with international decision-makers is through a formal process or platform which allows civil society to communicate directly with international decision-makers.

In addressing the decision-makers at the Mekong regional level both the RCC and the VRN primarily worked within an international network of activists, taking part in a transnational advocacy network (TAN). Referring to the concept of TANs which was introduced in chapter 2, this chapter discusses the strategies of the RCC and the VRN in targeting Mekong regional decision-makers. Following this analysis the chapter highlights the recurring themes which were identified through the analysis of the interview data. This provides an entry point to the analysis of how rules, norms and actors interacted to create these strategies.

8.2 Strategies adopted by the RCC and the VRN

During the Xayaburi PNPCA both the VRN and the RCC took part in activities coordinated by the Save the Mekong (STM) Coalition, a TAN with its focus in the Mekong region, specifically on the hydropower dams on the mainstream of the Mekong River (Save the Mekong 2009). During the Xayaburi PNPCA period the STM Coalition sent letters addressed to decision-makers and key actors at the Mekong regional level, including MRC Council members from the four member countries, the Prime

Ministers of Thailand and the Lao PDR, and the (CEO) of the MRC (Save the Mekong 2010, 2011, 2012a, 2012b). As members of the STM Coalition both the RCC and the VRN took part in signing these letters (Save the Mekong 2010, 2011, 2012a; 11.11.11. Belgium et al. 2011). This illustrates a similarity in their letter writing approaches by both coalitions. However, differences in approaches of these networks were also observed while examining the case studies. Among four of the letters which were addressed to regional decision-makers during the study period, the Vietnamese coalition signed all the letters on behalf of its coalition, whereas the Cambodian coalition had different signatories to the letters each time. The first letter was signed by the coalition as a whole and the remainder were signed by some individual member NGOs, not by the full membership (Save the Mekong 2010, 2011, 2012a; 11.11.11. Belgium et al. 2011).

The first letter was drafted by the members of the STM Coalition in October 2010 when the PNPCA process officially commenced (Save the Mekong 2010). The letter called for a halt to the PNPCA process and for cancellation of the Xayaburi dam (Save the Mekong 2010). It was addressed to the Chief Executive Officer (CEO) of the Mekong River Commission (MRC) and copied to the members of the Joint Committee to the MRC, and to the MRC's donor governments. The letter included two main reasons for this request, both of them relating to the deficiencies in the 1995 Mekong Agreement and the PNPCA. Firstly, it was claimed that the Xayaburi dam project documents submitted to the MRC by the government of the Lao PDR had not been released to the public, leading to a lack of transparency in the process (Save the Mekong 2010: 1; Mekong River Commission 2011c). Secondly, the letter pointed out that the Xayaburi PNPCA process had started without waiting for the final release of the SEA of the mainstream hydropower dams on the Mekong River which was commissioned by the MRC (Save the Mekong 2010: 2). Both arguments claim that there was a lack of clear process and thus question the legitimacy of the way the PNPCA was conducted. This appears to be ultimately caused by the deficiency of the 1995 Mekong Agreement, once again illustrating the influence of this formal rule at the regional level.

The second letter was drafted by the STM Coalition in January 2011, prior to the MRC Council meeting. This time, the letter was addressed to the members of the MRC Council from each MRC member country. In a similar way to the previous letter to the CEO of the MRC, this letter requested a halt of the Xayaburi PNPCA process. This process was at the time already four months long, and was being conducted without official endorsement of the SEA report commissioned by the MRC, and without disclosure of relevant project documents to the public (Save the Mekong 2011). Both the first and the second letters claimed that there were deficiencies in the PNPCA process. The third letter was signed by 263 NGOs from 51 countries in March 2011 (11.11.11. Belgium et al. 2011). It was addressed to the Prime Ministers of Thailand and the Lao PDR and requested the cancellation of the Xayaburi dam (11.11.11. Belgium et al. 2011). The letter was signed by the VRN and some of the member NGOs of the RCC.

The fourth letter was issued on the 20th of April 2012, requesting clarification on the prior consultation of the Xayaburi dam. This time, the same letter was sent individually to the CEO of the MRC, and to the council members of the National Mekong Committees of Thailand, Cambodia and Vietnam. The letters were written while construction was on-going at the Xayaburi dam site. While the Ch Karnchang company, the contractor of the construction of the dam, declared that it had already signed the agreement on the construction of the Xayaburi dam (CH. Karnchang Public Company Limited 2012; Vandenbrink 2012a), representatives of the MRC had agreed to conduct further studies on the impact of mainstream dams (Mekong River Commission 2012b). For Cambodia, the letter was addressed to Lim Kean Hor, the Minister of Water Resources and Meteorology and the Chairperson of the CNMC (Save the Mekong 2012b). As in the case of the second letter, the signing of this letter by the NGOs was prompted by perceived deficiencies in the PNPCA process. This was seen as causing ambiguity in the interpretation of when the PNPCA process could be considered complete.

Interviewees from both the RCC and the VRN suggested that while the STM Coalition does not have a formal coordinator, the IR and TERRA

function as informal coordinators to the network (V2 2012; C5 2012b; V11 2012). Letters addressed to regional decision-makers were drafted by these coordinating NGOs and circulated to the members within the STM Coalition (C5 2012b). The main task of the RCC and the VRN members was to comment on the content of the letters and in the case of Cambodia to determine whether to sign the letter either as the RCC coalition or to sign as an individual NGO. According to one STM interviewee, the language used in the letter was the most difficult thing to agree upon among the members, as some members preferred a softer approach than others. Agreeing on a letter such as this could take approximately 3-4 weeks (R2 2012).

In addition to these letters initiated by the regional STM Coalition, the RCC wrote a letter of its own in July 2012. It was addressed to the Prime Ministers of Thailand and the Lao PDR in response to the actions of regional actors such as the Xayaburi Company, the government of the Lao PDR and NGOs in Thailand. It was the first letter addressed to the regional level decision-makers written by the RCC in its own right, rather than being part of the STM Coalition. The letter requested cancellation of Thailand's power purchase agreement from the Xayaburi dam, a stop to the construction of the Xayaburi dam, and that the 1995 Mekong Agreement be respected (The NGO Forum on Cambodia 2012b). It was written while the Lao PDR officially admitted the continuation of Xayaburi construction activities, despite there being no consensus among the four countries over the Xayaburi dam (International Rivers 2012b). At the same time a civil society group in Thailand had just filed a court case to the Thai administration court demanding cancellation of the EGAT's power purchase agreement with the Xayaburi dam company (Wipatayotin 2012). The RCC also posted its message on the opinion column of the Bangkok Post, targeting Thai audiences (Ath and Phalika 2012).

The RCC also worked with community members along the Mekong River to collect thumb print petitions requesting a stop to the Xayaburi dam. Thumb prints are used in these cases to endorse signatures. The petitions were sent to the Prime Ministers of Thailand and the Lao PDR (The NGO Forum on Cambodia 2012b). Thumb print petitions were collected and sent to regional decision-makers on two occasions. The first occasion was in

December 2011, the month when the MRC member governments met at the MRC council meeting. The second occasion was in June 2012 during a peace walk organized in Kompong Cham province, one of the Cambodian provinces along the Mekong River (The NGO Forum on Cambodia 2012b).

There was a difference in how network members viewed activities targeting regional audiences. During the author's field interviews only one respondent mentioned this type of activity in Vietnam, whereas several Cambodian respondents indicated participation in regional activities such as taking part in signing regional letters as one of the main activities of the RCC (V2 2012; C3 2012; C7 2012; C13 2012). These comments reflect differences in the relative importance of targeting regional decision-makers by the RCC as compared to the VRN.

In June 2012 an international coalition of civil society groups, coordinated by the Siemempuu Foundation, a Finnish NGO, filed a complaint concerning Pöyry and sent it to the OECD national contact point (OECD Watch 2013; Siemenpuu Foundation Mekong Group 2012). The OECD Guidelines for Multinational Enterprises (OECD 2011) allows citizens to file a complaint on the operations of multinational corporations based in OECD nations through designated national contact points in each OECD country (Oshionebo 2013). Using this scheme the civil society coalition coordinated by the Siemempuu Foundation complained that the advice provided by Pöyry to the Lao government undermined the cooperative regional process of the Mekong river (OECD Watch 2013). Both the VRN and the RCC took part in this case (OECD Watch 2013). However, during the author's field work only one interviewee from the VRN mentioned this activity (V10 2012) which raises the question of the importance of the activity for the VRN and the RCC.

8.3 Comparative analysis

The analysis of the VRN and the RCC's strategies illustrates similarities and differences in the approaches taken by both networks. The analysis of the interview data, based on the grounded theory approach discussed in chapter 3, identified themes which were repeated by the interviewees. Two key themes emerged from these interviews concerning

the strategies used in targeting regional decision-makers. These themes include 1) the relationships between the national and regional coalitions, and 2) network culture. The following sections will discuss these themes in detail and identify how rules and norms influenced the NGO coalitions' strategies.

8.3.1 Relationship between the national coalitions and the regional coalition

There are similarities and differences in the RCC and the VRN's approaches in targeting regional level decision-makers. The analysis of previous studies and the interview data indicate that historical engagements and interactions between national coalitions and the regional coalitions contribute to shaping their strategies. The following sections will first look at the RCC in Cambodia, followed by an analysis of the VRN in Vietnam.

The Cambodian coalition, in its early days when it was called the Se San working group, focused on supporting Cambodian communities impacted by the Yali dam built and operated in the Vietnamese part of the Se San river, a tributary of the Mekong River (The NGO Forum on Cambodia undated). As discussed in chapter 3, the Yali dam is a Vietnamese dam built close to the border of Cambodia. This dam impacted negatively on the livelihoods and well-being of the downstream Cambodian communities, creating floods and causing contamination of river water (Wyatt and Baird 2007). The MRC was not effective in resolving the issues that the local communities in Cambodia were facing (Thim 2010). The Se San working group was established through activities focusing on the transboundary impacts of the Yali dam. The Se San working group was established through a network of local communities, local NGOs and international NGOs aimed at supporting the affected communities; this was the predecessor of the RCC (C11 2012). Some of the key international supporters during this initial phase included Oxfam America, TERRA, IR, the Australian Mekong Resource Centre (AMRC), Probe International, and the Mekong Watch (C11 2012). According to interviewees who were engaged in the network from its early stages the formulation of the network was not only driven by the needs of the affected communities but also through the interests of external partners (C11 2012; C28 2012). A number

of partners collaborated in these activities using their specific strengths and interests; for example, Oxfam America provided technical and funding support for the network, TERRA wrote a letter to the MRC posing questions on the Yali dam, and IR together with Probe International contacted the World Bank on the issue of the transmission line from the Yali dam (Thim 2010: 164).

This style of working reflects the fact that the RCC worked in the style of a TAN from an early stage. Each partner used their own contacts and resources to pressure different actors who could potentially influence the decisions related to the Yali dam and further plans for dams on the Se San River. Support from international actors was critical in the establishment and continuation of the network. In addition, the transboundary nature of the Se San River and the Yali Dam encouraged the RCC to look to international support at an initial stage, and the Cambodian NGOs benefited from engaging with international actors at an early stage. This international outlook has continued in the RCC; the VRN, on the other hand, had limited international focus until the case of the Xayaburi dam (Vietnam Rivers Network 2013; V2 2012).

Funding for the Se San network originally came from Oxfam America, and when Oxfam made a decision to stop further funding support due to changes of priorities by Oxfam America, the network faced difficulties in continuing its work (C28 2012; C11 2012). This demonstrates the resource dependency of the Cambodian network. While the RCC network's decision-making process is currently based on member consensus (this point will be discussed further in the next section), interviewees indicated the continuing influence of regional partners in the RCC's activities, particularly through IR, which often provides suggestions for the RCC's work associated with hydropower dams (C9 2012b; C6 2012a; C13 2012). An example of this influence was illustrated through a comment of one of the interviewees who stated that the idea of writing the RCC's own letter in 2012 was suggested by a member of staff from the IR who used to be an advisor to the RCC (C6 2012a). Several other RCC members commented that some of their activities are funded by IR and that they are decided through discussions between IR and the member NGOs (C9 2012b; C22 2012). Referring back to the discussion of political responsibility

within TANs suggested by Jordan and Tujil (2000) in chapter 2 it would seem that the relationship between the RCC and the STM Coalition is close to what Jordan and Tujil describe as a cooperative campaign relationship (Jordan and van Tuijl 2000).

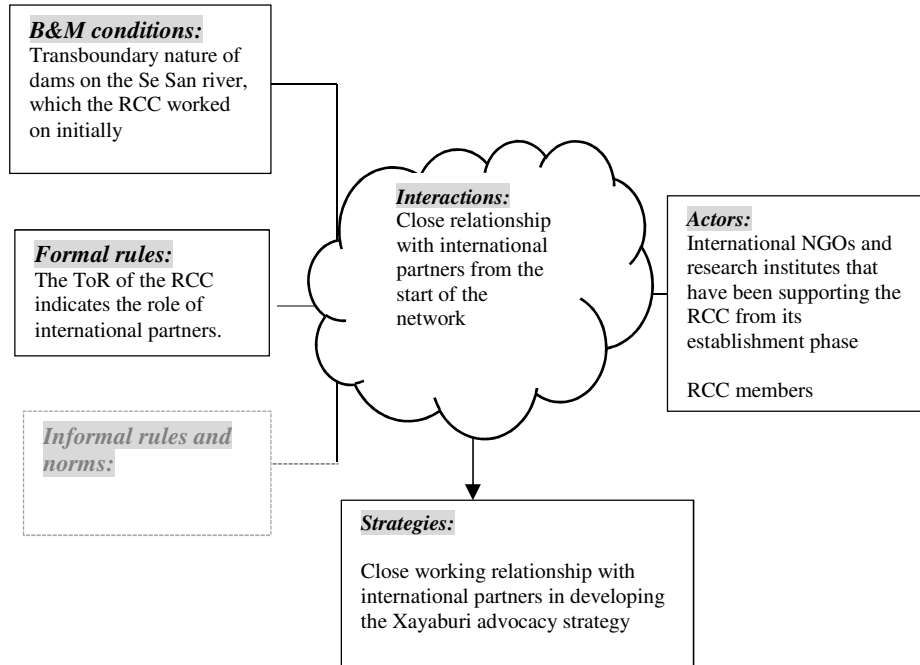


Figure 12: Influence on the RCC strategy for close collaboration with international partners

In summary, two main factors were important for the RCC's strategies. One of them was the interaction among actors, i.e. close working relationships and resource dependency with the RCC's international partners. Secondly, the physical and material condition of the hydropower dam issues on the Se San River, with its transboundary nature, created a situation where it was essential for the RCC to closely collaborate with international partners already from its early days. This close relationship with international partners is reflected in the RCC's ToR, which is the formal rule established by the members of the coalition. The older version of ToR which was in effect during the field work of this thesis identifies these international partners as supporting organizations that 'wish to support the efforts and work of the RCC but are unable to adhere to the roles and responsibilities of the core member organizations' (Rivers Coalition in

Cambodia undated). The new ToR of the RCC changes the status of international partners as it identifies 14 international organization as ‘members’ of the RCC (Rivers Coalition in Cambodia 2012). These factors affected the RCC’s relationship with the STM Coalition members, resulting in the RCC’s strategy of close collaboration with international partners. Figure 12 is an application of this thesis’ analytical framework on this analysis. When the analysis did not find influence of certain factors over the advocacy strategies, they are illustrated with dotted lines.

The VRN is also part of the STM Coalition, the same TAN in which the RCC takes part. The VRN has close relationships with IR, which provides the informal role of coordinating the STM Coalition. The IR commissioned the establishment of the VRN and continues to provide both technical and funding support to the VRN (Vietnam Rivers Network 2013; R2 2011; V2 2012). However, comments from some of the network members below illustrate differences in approaches between the VRN and its regional partners (IR and the STM Coalition, in this case).

‘You see, the advocacy approach we selected is very appropriate in Vietnam. If we had worked like IR then we would have been killed by now’ (V16 2011).

‘IR and other regional groups know that they cannot come here and do advocacy because they do not have local context and knowledge, and because it is not a good model. It does not build longer term movement here’ (V11 2012).

‘We talk to the STM Coalition frankly that each country works differently, because we have different socio-political situations. So the approach in Thailand cannot work in Vietnam. At that time, many Thai NGOs said that you are not an NGO. They said that. But I said to them that we have an objective. Our belief is that how to deliver objective. So we have to investigate the best way to achieve our objective. So it is our approach, our belief. I think up to now, they have to agree with us. So we join regional approach. But sometimes we did not join because it is not appropriate for us. Sometimes we have to stay outside. But we participate in developing common messages’ (V2 2011).

These comments reflect that while the VRN takes part in the STM Coalition the VRN needs to be careful to take action in an appropriate manner within Vietnamese society. This highlights the importance of taking an embedded approach and the way that informal rules and norms affected the VRN member's attitude when working with the STM Coalition.

Another difference between the VRN and the RCC is that the Xayaburi dam was the first international river on which the VRN conducted advocacy work (Vietnam Rivers Network 2013). All the previous VRN work focused on Vietnamese domestic rivers (V11 2012). These activities involved monitoring the public consultation processes for the Trung Song Hydropower project and the Song Bung 4 hydropower project, both located in central highlands in Vietnam. They also raised concerns on the Dong Nai hydropower dams located in Southern Vietnam (Vietnam Rivers Network 2013: 10). The network also provided comments on the new law on water resources and worked with the National Assembly to embed the integrated water resources concept into this law (Vietnam Rivers Network 2013: 10). The VRN's work with domestic dams was primarily driven by the VRN members themselves and none of the interviewees mentioned the involvement of international partners other than through funding.

The VRN's independent working style is stated in its strategy for 2008-2010 as:

'Different from majority of other networks established by donor-funded projects, VRN was initiated by a group of passionate environmental activists in Vietnam and expanded following the rapid and unsustainable development of hydropower in the country. From its very beginnings, the network was self-initiated and self-led and is not reliant on one certain donor' (Vietnam Rivers Network 2009b).

This approach was reflected in the work of the VRN when it was engaged with the advocacy work on the Xayaburi dam, which was driven by the VRN's Mekong task force. This task force consisted of a small number of Vietnamese members, including scientists based in the Mekong Delta, and other members based in Hanoi whose roles were primarily to coordinate the task force's work and to liaise with various actors including decision-makers and partners at national and international levels. (V1 2011; V2 2012;

V5 2012; V10 2012). This comparatively independent working style of the VRN has potentially shaped the differences observed in the work on the Xayaburi dam of the VRN and its regional partners.

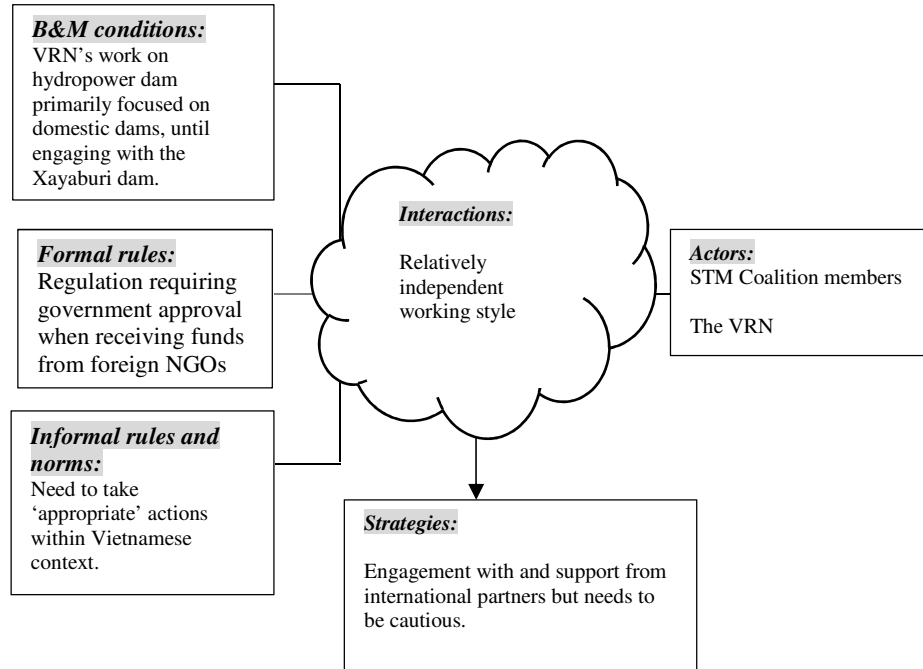


Figure 13: Influence of norms, actors, biophysical and material conditions on the VRN's strategy in engaging with regional partners

The way different factors affected the VRN's strategy is illustrated in Figure 13. While the VRN has an on-going working relationship with other STM Coalition members from its establishment phase (particularly with the IR), the informal rules and norms which require Vietnamese NGOs to behave appropriately within their cultural and political context makes VRN members take a cautious approach when engaging with regional actors. As discussed in chapter 6, the Vietnamese government's regulations require that aid money provided by foreign NGOs must be approved by government agencies (*Regulation on the use of aid from INGO* 2009). While none of the interviewees indicated any specific influence of this regulation on the VRN's strategy targeting regional decision-makers, such a formal rule presumably contributes to the cautious approach adopted by the VRN in working with international partners.

In addition, the hydropower dams which the VRN worked on in its establishment phase are primarily domestic dams. Although this point was not mentioned in particular by any of the interviewees, this influence of physical and material conditions of the advocacy subject presumably did not provide a strong motivation for the VRN to collaborate with international partners in the past. These factors contributed to the VRN's approach when working with regional partners.

8.3.2 Network culture

The way the letters were signed can be seen to reflect the influence of internal rules and norms within the NGO coalitions. The first letter in October 2010 was signed by the RCC whereas the letters in January 2011 and April 2012 were signed only by some of the RCC members (Save the Mekong 2010, 2011, 2012b). According to one of the key members of the RCC, this difference was caused by the fact it was not possible to gain consensus among some of the RCC member organizations within the limited period of time necessary for the signing of the letter (C5 2012b). Another member indicated that there was hesitancy among some of the member organizations, especially in Cambodia, towards signing petitions which may be considered as 'shaming' governments. This is another possible reason for the limited signing of the letter (C28 2012).

As discussed in chapter 6, decision-making within the RCC is determined by its ToR (Rivers Coalition in Cambodia undated). According to the RCC's ToR its regular decisions are made by consensus. However, when consensus cannot be achieved certain member organizations designated as core member organizations can make a decision based on majority vote (Rivers Coalition in Cambodia undated). When the RCC attempted to take part in signing letters drafted by the STM Coalition, the RCC members at times could not reach agreement on whether to sign the letters or not as a coalition, leaving some of the most positive member organizations to individually sign the letters. The procedure for signing the letters illustrates the influence of the internal formal rules adopted by the member of the RCC. An interviewee indicated that this formal style of decision making started when the network expanded from the 3S network to

the RCC, expanding its geographic scope as well as its membership base (C28 2012). The same interviewee continued that as it became a wide network, and with adoption of formal rules, the decision-making process became slower, hindering swift action needed in conducting advocacy (C28 2012).

On the other hand, the VRN has less formality in its decision-making (V5 2012). All the VRN's activities associated with the Xayaburi dam were led by the Mekong task force which held decision-making authority (V2 2012). The task force, being rather a small group of individuals, could obtain consensus among the group on actions without a cumbersome process. As discussed in chapter 6, the VRN does not have a strict decision-making rule (Vietnam Rivers Network 2009a; V5 2012) and when using the VRN's names and logos one of the members of the executive committee needs to be involved in the activity (Article 21 Vietnam Rivers Network 2009a). Since the VRN's Mekong task force included a member of the executive board the group did not have to gain permission from the executive board each time they made a decision on Xayaburi advocacy work.

Another factor which affected the VRN's decision-making process is its working culture within the coalition. As one of the interviewees commented,

'The success of this group is that firstly, we have very strong commitment, and common interest, vision, mission to protect the Mekong Delta. That one leads us to cooperate together. So we get very easy to agree with each other, on what we need to do and who will do what. I don't think we have debate or conflict on doing things' (V2 2012).

This comment reflects the VRN's voluntary working culture, a result of being a coalition of members voluntarily engaged in the network. This voluntary culture based on individual commitment is contrasted to the situation of the RCC where most of the RCC members take part in the coalition's activity as part of their jobs

From practical point of view the current decision-making process may also be associated with the nature and the size of the coalition memberships. The total number of the RCC membership is less than 30 organizations, which makes consensus-based decisions more feasible. In

contrast, the VRN has approximately 300 members which makes it difficult to have a consensus-based decision-making system by all the members. (Vietnam Rivers Network 2012),

As illustrated in Figure 14 the analysis indicates that formal rules established by each coalition, along with the nature of network membership, affected the working culture within the case study coalitions. This working culture affected the way each coalition was able to sign the letters drafted by the STM Coalition. This analysis illustrates that interaction of formal rules, actors and informal rules and norms, created patterns of interactions, which affected the way each coalition signed the letters targeted at regional decision-makers.

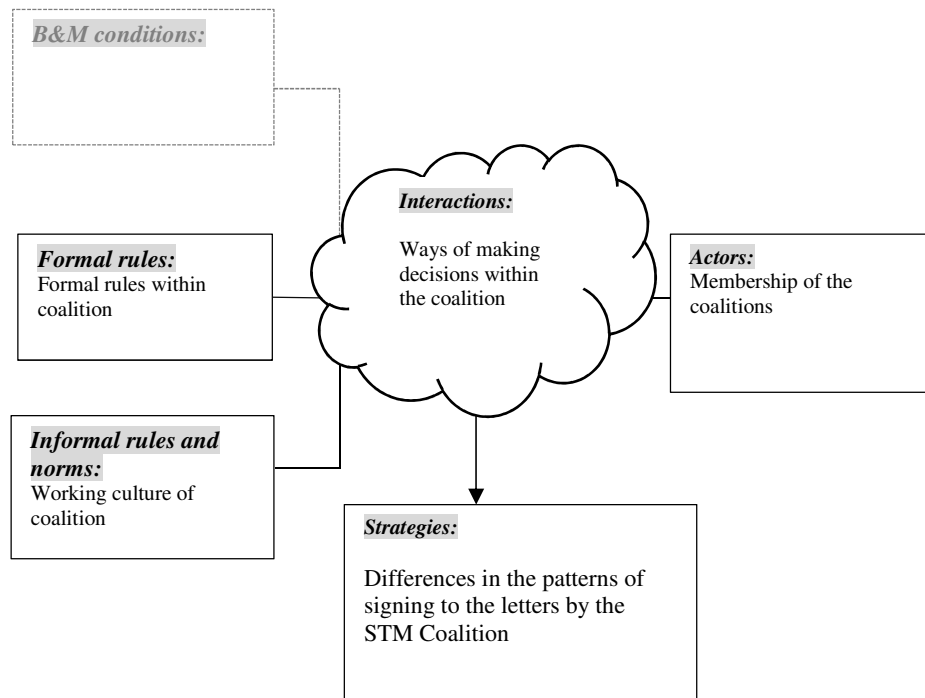


Figure 14: Influence of formal rules, informal rules and norms, and actors on strategy for signing letters targeting regional decision-makers

8.4 Chapter conclusion

The analysis of the RCC and the VRN's strategies targeting regional decision-makers provided a number of answers to the question of how rules and norms influence the regional advocacy strategies of NGO coalitions.

There are three key findings from this chapter. The first one is that historical relationships among NGO actors influence the dynamics of these actors' relations, which in turn affect the way strategies are shaped. This was illustrated through the analysis of the relationships between the national coalitions and the regional coalitions. This relationship also reflects the nature of the TAN, where network members are resource dependent on each other. In the case of Vietnam the norm that requires NGO coalitions to act appropriately also has an important influence on this relationship.

Secondly, formal rules within the coalition and the informal working culture within the coalition, together with membership characteristics, all contribute to the ways decisions are made within the coalition. This decision-making mechanism, which is created as a result of interaction of formal rules, informal rules and norms, and actors, affect the way strategies are undertaken by both coalitions.

Finally ambiguity in formal rules such as the 1995 Mekong Agreement and the PNPCA created the situation where MRC member states understood the process of consultation through their own interpretation of requirements. This led to the NGO coalitions' strategy at the regional level focusing on a criticism of the MRC member states' way of implementing the PNPCA.

Chapter 9: Strategies targeting national decision-makers

9.1 Chapter introduction

As discussed in chapter 6, the decision-making process under the 1995 Mekong Agreement over the use of the Mekong River is based on consensus among the four member states (Article 20, 27 *Mekong Agreement* 1995). Therefore, the national governments' positions over the Xayaburi dam are the key determining factor affecting the fate of the regional decision on the dam. Consequently, influencing national level decision-makers became one of the most important advocacy strategies for both NGO coalitions.

During the Xayaburi PNPCA process both the RCC and the VRN conducted activities aimed at influencing their respective governments' decision-making processes. The main strategies included: conducting workshops targeting national decision-makers; providing direct inputs to government decision-makers through formal and informal meetings; and using science as a basis for the dialogue with decision-makers. This chapter analyses and compares the strategies adopted by the RCC and the VRN and attempts to identify how rules and norms may have shaped these strategies. First of all, the chapter compares how and why the RCC and the VRN adopted the strategies (section 9.2-9.3). The following section (section 9.4) examines key factors shaping these strategies, aiming to identify how rules and norms influenced the advocacy strategies of NGO coalitions.

9.2 Strategies adopted by the VRN

From the start of the PNPCA process, targeting national decision-makers was the main strategy of the VRN and the VRN used several tactics in their attempts to influence national decision-making process. First of all the VRN organized various workshops aimed at relatively focused audiences, these included national decision-makers, scientists and the media. Secondly, VRN members used both formal and informal pathways to directly approach their target audiences. Thirdly in their advocacy work, science played an important role. This sub-section discusses the VRN's activities in detail, leading to the further analysis of relationship between the

VRN's activities and rules and norms. This is discussed in the following section (9.4).

9.2.1 Workshops

During the Xayaburi hydropower dam PNPCA process the VRN organized several workshops targeting decision-makers, scientists, and media. Many of these workshops were co-organized with other partners, particularly with government institutions including VUSTA and the VNMC. The workshops were targeted at certain type of audiences, primarily national-level decision makers, scientists, and media.

The VRN started its work targeting national decision-makers at an early stage of the PNPCA process. On 7th of November 2010, the month after the PNPCA process started, the VRN and the Pan Nature, a Vietnamese NGO, co-hosted a public dialogue on the development of Mekong mainstream dams and their implications for Vietnam (Dien 2010; V3 2012; V16 2012). This dialogue was primarily targeted at the National Assembly members and at the VRN members. During this dialogue, many of the National Assembly members proposed a public hearing on the Mekong mainstream dam (Dien 2010). Another workshop was organized on October 2011 by Pan Nature, which was targeted at National Assembly members in Hanoi on issues including the Xayaburi dam, where the VRN members collaborated as a resource (V20 2011).

As discussed in Chapter 5, the National Assembly is designed as the highest decision-making body representing citizen's interests in the Vietnamese political system (Article 6 *Constitution of Vietnam* 2001). The collaboration with the members of the National Assembly was possible partly due to the on-going working relationship between Pan Nature and the National Assembly on natural resources related issues since 2007 (V3 2012).

The VRN conducted workshops at certain key junctures of the PNPCA process. On 15th of March 2011, a month after the official consultations of the PNPCA were conducted by the VNMC, key members of the VRN and the Vietnam Water Partnership organized an open dialogue on the gains and losses of the Xayaburi dam for Vietnam (V16 2012; VUSTA, WARECOD, VRN, VNWP, et al. 2011; Quói 2011). It was held in Hanoi and 60 representatives from the government, civil society and

scientists participated in the dialogue (Trandem 2011). The workshop was opened by a representative of VUSTA and technical inputs associated with the workshop subject were provided by a member of the VNMC, as well as by individuals from within the network of organizers (VUSTA, WARECOD, VRN, VNMP, et al. 2011; Quói 2011). The participants recommended 10 years of deferral of the Mekong mainstream dams until academic research was conducted allowing decisions to take into consideration all the risks (Trandem 2011). This recommendation follows the recommendations of the SEA commissioned by the MRC (ICEM 2010b). The Vietnamese government's official position over the dam, which was communicated to the MRC as a response of the PNPCA, also follows this recommendation of 10 years deferral (The Socialist Republic of Viet Nam 2011).

On 23rd of November 2011, a few weeks before the MRC Council was due to meet in December 2011 when the regional decision was to be made on the Xayaburi dam, the VRN collaborated with the VUSTA in organizing a workshop on the Mekong's hydropower dams. The workshop was organized in Ho Chi Minh City, and was primarily targeted at scientists, government staff, media and any other interested individuals (V7 2012). One of the focuses of the discussion at the workshop was the Pöyry report, which was commissioned by the government of the Lao PDR to review the Lao PDR's compliance with the Mekong Agreement, the MRC's design guidelines on sustainable hydropower and concerns raised by other riparian countries over the Xayaburi dam (Government of Lao PDR and Pöyry 2011). The workshop's focus on the Pöyry report was in line with the concern of the Vietnamese government which had just conducted a bilateral meeting with the government of the Lao PDR to discuss the report before this workshop took place. (V16 2011).

The day before this workshop the VRN organized a training workshop on coastal geomorphology and sediment transit in collaboration with WWF (Vietnam Rivers Network 2011b). Approximately 40 people participated in this workshop, including Vietnamese scientist and members of the VRN. The VRN members recognized the importance of increasing the number of 'allied' scientists. As one of the interviewees commented:

‘There are scientists who do not understand the Delta and who support an engineering approach. They also provide inputs and the VUSTA consolidates’ (V16 2012).

Another workshop was organized in Ho Chi Minh City in collaboration with VUSTA on 14th of August 2012, titled ‘The Mekong and Hydropower Dams’. The workshop was attended by National Assembly members, members of mass organizations, representatives from 13 Mekong Delta provinces, journalist, academics and international and national NGOs (V10 2012). The workshop took place amidst the situation in which the Lao government officially admitted that the construction of the Xayaburi dam was underway.

In summary, most of the VRN’s national-level workshops were targeted at three main audiences: national-level decision makers, scientists, and the media. Most of the workshops were conducted in collaboration with existing and new partners, including the VUSTA, the Pan Nature, and the WWF. All the workshops had clear titles and themes discussing the Xayaburi dam or the dams on the Mekong River (Dien 2010; V3 2012; V16 2012; VUSTA, WARECOD, VRN, VNWP, et al. 2011) and no particular sensitivity was observed in raising the issue of hydropower dams on the Mekong River’s mainstream.

9.2.2 Direct inputs

Another key strategy which the VRN adopted was to directly contact national decision-makers. The VRN used both formal and informal pathways in directly reaching these national level decision-makers. This sub-section provides an overview of how the VRN provided direct input to the decision-makers.

The main official pathway provided through the PNPCA process was the public consultation organized by each National Mekong Committee of the MRC’s member countries. In Vietnam, the first PNPCA consultation was held in Can Tho city located within the Mekong Delta, inviting members of the research institutes based in Ho Chi Minh City, local governments’ staff within the Mekong Delta, and members from Can Tho University (Mekong River Commission 2011c). The VRN Mekong task

force members were not invited to this consultation (V2 2012; R2 2011; V25 2012) and the Hanoi based VRN members were informed about it only one day prior to the meeting, through their contacts in southern Vietnam (V2 2012). The VRN members requested that they be allowed to participate, however, they were not allowed to do so as the consultation was targeted at stakeholders within the Delta (V2 2012). During the consultation in Can Tho VRN members communicated with some of the participants and managed to identify a few individuals willing to disseminate information regarding the Xayaburi dam (V2 2012). Some of the Hanoi based VRN members were invited to the consultation workshop held at Halong Bay organized primarily for Hanoi-based stakeholders (Mekong River Commission 2011c). During the consultation in Halong Bay VRN participants brought information sheets on the Xayaburi and disseminated them to the participants (V2 2012). One of the VRN members, however, commented that it was not an activity which had any important influence (V2 2012).

Rather than using the official consultation meetings, the VRN's main strategy was to conduct an informal meetings with key individuals who could convey their message to decision-makers (V2 2012; V16 2011). The VRN members attempted to identify a number of entry points to communicate their messages to decision-makers. One of the interviewees indicated that the VRN developed a matrix to identify allies and opponents to the VRN's opinion about the Xayaburi dam, a matrix which changed over time (V2 2012). As an example, the same interviewee indicated that in early 2010 the VNMC was not aligned with the VRN's position (V2 2012). However, by 2011 the VRN had gained sufficient trust with the VNMC, to the extent that the VNMC invited one of the VRN scientists to join the government delegation for a bilateral meeting with the government of the Lao PDR (V16 2011; V2 2011).

The VRN member indicated that informal meetings were one of the key activities they conducted as part of their Xayaburi advocacy work, indicating:

'Informal meetings are important in the context of Vietnam. We really have to push up the issue at national level. Because it is very difficult to

arrange meetings with senior ones, we have to raise the issue and see the one who can deliver the message to the target organization' (V26 2012).

This comment reflects some of the Vietnamese scholar's claim that in the Vietnamese political context, decisions are mostly made behind closed doors and public deliberations are rare (Cima 1987a; Kerkvliet 2001). This was discussed earlier in chapter 5. In this context, having an informal pathway to decision-makers becomes important.

Another interviewee also indicated that in 'Asian culture' people prefer to talk to each other informally before things become too formal (V2 2012). This reflects the regional political culture called 'ASEAN way', which values personal relationships and seeks informal consultations and dialogues as a way of reaching consensus (Katsumata 2003: 104; Hirsch et al. 2006: 76).

Another important entry point for direct input was through the VUSTA, which is mandated to provide scientific advice to the Party and the State on policies related to national development (V7 2012; Article 6 *VUSTA Charter* 2012). With this mandate the VUSTA was tasked by the government to provide scientific opinion on the Xayaburi hydropower dam to the Prime Minister and to other government offices during the Xayaburi PNPCA discussion process (V7 2012; V2 2012). VUSTA collected the opinions of scientists through workshops and direct inputs and submitted its own report evaluating the Xayaburi dam's impact to the Vietnamese government (V7 2012). The VRN was able to use this channel effectively through providing direct input to VUSTA, as well as jointly organizing workshops (as discussed in earlier sub-section). This helped shape VUSTA's evaluation of the Xayaburi dam (V2 2012).

It appears that the VRN managed to gain trust with the government over the issue and soon its members started to be invited to contribute to government-led initiatives. In November 2011 one of the scientists from the Mekong Delta who was also an active member of the VRN Mekong task force was invited to join the Vietnamese government's delegation to the bilateral meeting with the government of the Lao PDR to discuss the Pöyry report (V2 2011; V16 2011; V24 2013). It was the first time the VRN had been invited to the official international delegation. According to an

interviewee the invitation came from the government, who recognized the knowledge and expertise which existed within the VRN (V16 2012; V2 2011). This invitation was a significant achievement for the VRN, and one of the interviewees commented that:

'Now our work is recognized by the VNMC. They share information with us, they invite us to give comments on issues, on the Pöyry report. It is very exceptional, because normally they share (information) within (the) government agency' (V2 2011).

This relatively close relationship with the state organizations opened doors for the VRN to collaborate with other state organizations. The VRN was invited by the Ministry of Home Affairs and Security to brief its staff over the issue of the Xayaburi dam. This was a Ministry which does not have direct responsibilities associated with the Mekong River nor the Xayaburi hydropower dam, and thus was not the main target audience for advocacy strategies of the VRN. However, the Ministry was keen to learn about international water issues as they relate to water security (V2 2012).

The VRN also made direct inputs to decision-makers through official letters. On 15th of April 2011, few days before the MRC Joint Committee was scheduled to make an initial decision over the Xayaburi hydropower dam, the members of the VRN Mekong task force sent a letter of petition addressed to the key decision-makers within the government including: the Prime Minister, the Government Office, the Ministry of Natural Resources and Environment, the Ministry of Industry and Commerce, the Ministry of Agriculture and Rural Development, the VNMC, and to VUSTA (WARECOD 2011). The letter provided an analysis of the impacts from the Xayaburi dam on the Mekong Delta, as well as its implications for the neighbouring Lao PDR and China (WARECOD 2011). It also provided a recommendation to the Vietnamese government, including the need for further impact studies from the 12 mainstream hydropower dams on the Mekong, before any projects could proceed (WARECOD 2011). The letter also recommends that the Vietnamese government supports the Lao PDR in exploring opportunities for developing dams on the tributaries of the Mekong River instead of the mainstream (WARECOD 2011). In May 2012 scientists from the VRN were reported to

have made a direct request to the Prime Minister and the VNMC to stop the construction of the Xayaburi dam on the Mekong River's mainstream (Thanh Nien News 2012). This request came after the Ch Karnchang company, the contractor of the construction of the Xayaburi dam, officially admitted that the construction agreement was signed for the Xayaburi dam and that work had already begun (Dien 2012).

In summary, the VRN used a variety of methods to provide direct inputs to national decision-makers. The VRN did not place a particular emphasis on the official PNPCA consultation, but rather its strategy utilized informal meetings with various actors who could convey the message to decision-makers (V2 2012). These informal meetings relied both on the personal contacts of the VRN members, as well as on institutional linkages with VUSTA, whose formal role was in providing scientific advice to the government on its policy implications (V7 2012; Article 6 *VUSTA Charter* 2012). Informal contacts which VRN members brought to the organization's activities were valuable in providing informal channels to decision-makers. In an attempt to communicate with the decision-makers, VRN members tried to make arguments based on scientific evidence. The fact that some of the VRN Mekong task force members were scientists from the Mekong Delta supported this strategy. The next section discusses the VRN's science strategy in detail.

9.2.3 Use of Science

According to a number of interviewees the use of science was one of the key strategies adopted by the VRN (V16 2012; V2 2012; V17 2012). The group of scientists from the Mekong Delta who were also members of the VRN's Mekong task force, was one of the main providers of scientific knowledge distributed through the network. These scientists from the Mekong Delta provided substantive inputs used in the explanation of the potential impacts of the Xayaburi dam on Vietnam. These were presented during workshops with National Assembly members, other government officials, scientists and community members (Tuan 2010; Thien 2012). The VRN also provided critical analysis of the Pöyry report, pointing out the weaknesses in its approach from a scientific point of view; these included aspects of water quality, sediment flow, and EIA monitoring (Vietnam

Rivers Network 2011a). The VRN members also translated the full SEA report into Vietnamese. The MRC officially translated only the summary of the SEA report but not the full report (Mekong River Commission undated; V16 2012); this summary was lacking in detailed information about the Mekong Delta (V16 2012; ICEM 2010a). In addition, as discussed earlier, the VRN conducted a technical workshop to train scientists on hydropower dam's impacts on the Mekong delta's geomorphology and sediments. This was organised in collaboration with WWF (Vietnam Rivers Network 2011b).

This strategy of using science was possible partly due to the inclusion of scientists from the Mekong Delta in the VRN Mekong task force. In addition, VUSTA created a pathway for the VRN to provide scientific information indirectly to the decision-makers. The advocacy strategy of the VRN at the national level can be summarized as using science, human networks and workshops as key methods for achieving its advocacy targeted at national decision-makers. The next section discusses how the Cambodian network approached the same target audience in its country and compares it with the strategy of the Vietnamese network.

9.3 Strategies adopted by the RCC

Compared to the VRN, which had its main focus on advocacy targeting national level decision-makers, the RCC's activities targeting national level audiences were rather limited. Two main strategies were adopted by the RCC, these were public forums and the use of formal meetings. This section describes the RCC's activities at this level in detail as a basis for analysing the relationship between rules, norms and the RCC's strategies later in the chapter.

9.3.1 Public Forums

During the period of study of this thesis the RCC organized a public forum which included the national decision-makers as its target audience. This forum was the National Conference on Climate Change, Agriculture and Energy, which was held on the 1st and the 2nd of December 2011. The conference was held in Phnom Penh and brought 400 participants from the government, donors, communities, NGOs and academics together (The NGO Forum on Cambodia 2011b). While the conference theme focused on

climate change, the intension of the RCC in organizing this conference was to raise awareness of Mekong River hydropower dam issues (C5 2012b) prior to the MRC Council meeting in December 2011. The session on hydropower included presentations from the CNMC representing the Cambodian government; ICEM, the consultancy company conducted the SEA of the Mekong River's mainstream dam; a scientist from University of Aalto in Finland who studied the impacts of sediment; International Rivers; and community representatives who had been affected by hydropower development (The NGO Forum on Cambodia 2011b). This conference was co-organized by the NGO Forum, the Council for Agriculture and Rural Development (CARD) and several other Cambodian NGOs (The NGO Forum on Cambodia 2011b). CARD is the council under the Council of Ministers chaired by the Deputy Prime Minister which coordinates and assists the Cambodian government on issues related to agriculture and rural development (Council for Agriculture and Rural Development undated).

It was the first time for the hydropower programme of the NGO Forum to collaborate with the Council of Minister's office (C5 2012b). Other programmes within the NGO Forum already had on-going collaborations with the office of the Council of Ministers, and this existing connection allowed the hydropower programme to collaborate with the high level officials from the Cambodian government (C5 2012b).

In contrast to the VRN, which conducted several workshops targeting decision-makers such as the National Assembly members, the RCC's event targeted all types of participants including national-level decision-makers, donors, communities, NGOs and academics (The NGO Forum on Cambodia 2011b). The event was held just before the MRC's council meeting which was due to make a decision on the Xayaburi dam. The issue of hydropower dam was not highlighted as a main topic of the event, but it was included as one of the themes of the event (The NGO Forum on Cambodia 2011b). According to one of the interviewees this is related to the fact that the Cambodian NGO coalition felt it was too sensitive to discuss the hydropower dam with the Council of Ministers:

'It is not easy to talk about hydropower issue with Council of Ministers....And this event is just awareness raising, not a dialogue with the government. We just want to spread around the information about the

hydropower in the Mekong, so when we try to put the agenda together, it's really soft. Not anything talking about the argument or any position or any perspective of community or civil society. So we try to make it soft, and try to communicate and explain more to the government, before we can organize such event' (C5 2012b).

Similar sensitivity in raising hydropower dam issues with local level authorities was observed during the author's field interviews with RCC members based in the provinces (C12 2012; C13 2012), which will be discussed more in detail in chapter 10. This sensitivity at the national level is associated with the general informal pressure within Cambodian society not to pose questions against the development policy of the dominant political party, as discussed in chapter 6.

9.3.2 Direct inputs

Another tactic adopted by the RCC in targeting national decision-makers was the use of formal processes. During the initial six months of the PNPCA process, public consultations were conducted by each National Mekong Committee. In Cambodia two public consultations were conducted: one consultation targeting local stakeholders which face potential impact from the Xayaburi dam, another one targeting national level stakeholders. The RCC used these venues as a way to provide direct inputs to the government.

The first consultation was held on the 10th of February 2011 in Kratie, one of the provincial towns along the mainstream of the Mekong River (Mekong River Commission 2011c: 10). This first consultation was primarily for representatives from the six provinces along the Mekong River that are considered to be affected by the Xayaburi dam project. These include Stung Treng, Kratie, Kampong Cham, Kandal, Prey Veng, and Takeo provinces (Mekong River Commission 2011c: 10). Out of 68 participants at the Kratie consultation meeting the majority of participants were provincial (26 participants) and district (11 participants) level government officers (Mekong River Commission 2011c: 25-27). Only four representatives of the communes, the lowest administrative level, attended

the consultation. These were the heads of the communes from provinces along the Mekong River (Mekong River Commission 2011c: 25-27). Some of the RCC members based in these provinces were invited to the meeting. However, Phnom Penh based RCC members were not initially invited. Having heard the news about the consultation from its provincial NGO members, the Phnom Penh based RCC coordinator wrote a letter requesting CNMC to allow participation of other RCC members from Phnom Penh. This resulted in the CNMC allowing additional RCC members to join the consultation (C5 2011; C29 2012). In total, nine RCC members participated in the consultation, four of them were from Phnom Penh based NGOs (Mekong River Commission 2011c: 25-27). During this consultation the members of the RCC distributed a Khmer translated version of the fact sheet on the Xayaburi dam, which was originally published by IR (C5 2011; International Rivers et al. 2011).

The second official consultation was held in Sihanoukville on the 28th of February 2011, this time targeting national-level stakeholders including government line agencies, NGOs and research institutes (Mekong River Commission 2011c). Out of 43 participants at the consultation meeting, 25 of them were from the Cambodian national government agencies, and 7 RCC members joined the meeting (Mekong River Commission 2011c: 28-29). The RCC requested a separate meeting with government officials prior to the consultation meeting (C5 2012a; C29 2011). This meeting was held during the consultation meeting in Sihanoukville, where a side meeting was held between the government representatives and RCC representatives. During this meeting, both sides could share their concerns over the Xayaburi dam (C5 2011; C29 2012). The RCC representatives at the meeting also expressed their wish to collaborate with the government on the overall dam issue (C5 2012a), resulting in a collaborative atmosphere and relationships between the CNMC and the RCC. Following this bilateral meeting the RCC sent a thank you letter to the CNMC emphasizing key important points from the meeting (The NGO Forum on Cambodia 2011c). One of the government interviewees commented that this was the first time that the government received this type of appreciation from NGOs (C29 2011).

In contrast to the situation in Vietnam, the Cambodian NGO coalition did not use science as a strategy, nor conducted its own research related to the Xayaburi dam (C5 2012b). When necessary, the coalition used existing information from the MRC commissioned SEA report. When the RCC needed technical inputs to the national level workshops, external guest speakers were invited to provide the input.

9.4 Comparative analysis

The previous sections provided various strategies targeting national decision-makers adopted by the coalitions. For the VRN, targeting national decision-makers was the key focus of its advocacy strategy, and three key approaches were adopted: conducting workshops with targeted audiences, using formal and informal channels in order to directly contact decision-makers, and using science communications with decision-makers. In contrast, the RCC had somewhat limited activities targeting national decision-makers. The RCC approach was rather formal and used public forums as well as using the PNPCA official consultation process organized by the government (VNMC). Why are there such differences in approaches and how do rules and norms play a role in characterizing each coalition's strategies? The following sub-sections discuss key factors which shaped the two NGO coalitions' strategies and analyse how different rules and norms influenced the NGO coalitions in the shaping of their strategies.

9.4.1 State-NGO relationship

One of the key themes which arose through the comparison of two cases is the relationship between state and NGOs. In Vietnam the state-NGO relationship worked in favour of the VRN's Xayaburi strategy. This relationship supported the VRN in its strategy of a) the communication of science to decision-makers, b) direct input to the decision-makers, and c) conducting targeted workshops. One of the most important relationships was with VUSTA. In the VRN's work in providing direct inputs, conducting targeted workshops and using science as an entry point of discussion with the government, VUSTA created an official passage for the VRN to bring its message forward to high levels of government officials (V2 2012; V7

2012). As discussed in Chapter 4, VUSTA is an umbrella organization for many Vietnamese NGOs (Norlund 2007: 9). The VRN is registered as one of the projects of the WARECOD, a Vietnamese NGO registered under the auspicious of VUSTA (Vietnam Rivers Network 2012; TERRA 2008: 32; WARECOD 2012).

Several formal rules supported the VRN's relationship with VUSTA, as illustrated in Figure 15 below. First of all the Decree 35-HDBT (1992) on the establishment of non-profit and science and technology organisations, the Decree 81/2002/ND-CP on the implementation of the Science and Technology law, and the Decree 88 /2003/ND-CP (2003) on the organization, operation and management of associations, provide the legal basis for establishing Vietnamese NGO as one of the science and technology organizations (*Decree No. 81/2002/ND-CP* 2002; *Decree No. 35/HTBT* 1992; *Decree No. 88/2003/ND-CP* 2003; Norlund et al. 2006: 72). The Decree 30/2012/ND-CP on the organization and operation of social funds and charity funds includes an article which requires VNGOs to operate under recognized government agencies, including VUSTA (Article 4 *Decree No. 30/2012/ND-CP* 2012; V10 2012). VNGOs registered with VUSTA are positioned as VUSTA's member associations (*VUSTA Regulation* 2006). The regulation of VUSTA indicates that these member associations have the right to participate in its activities (Article 9 *VUSTA Regulation* 2006). As defined through the Prime Minister's decision 22/2002/QD-TTg issued in 2002, the VUSTA is mandated to critically review and provide scientific opinions on government policy and projects (*Decision No. 22/2002/QD-TTg* 2002). This mandate allows VUSTA to fulfil a check and balance function for the Vietnamese government (Wells-Dang 2014; V7 2012; Huynh and Tuan 2007: 11). Through this mandate VUSTA was tasked to provide scientific input associated with the Xayaburi dam to the Prime Minister's office. In conducting this task VUSTA consulted with many of its member organizations, including the VRN, with whom it organized joint workshops discussing impacts of hydropower dams on the mainstream of the Mekong (V7 2012).

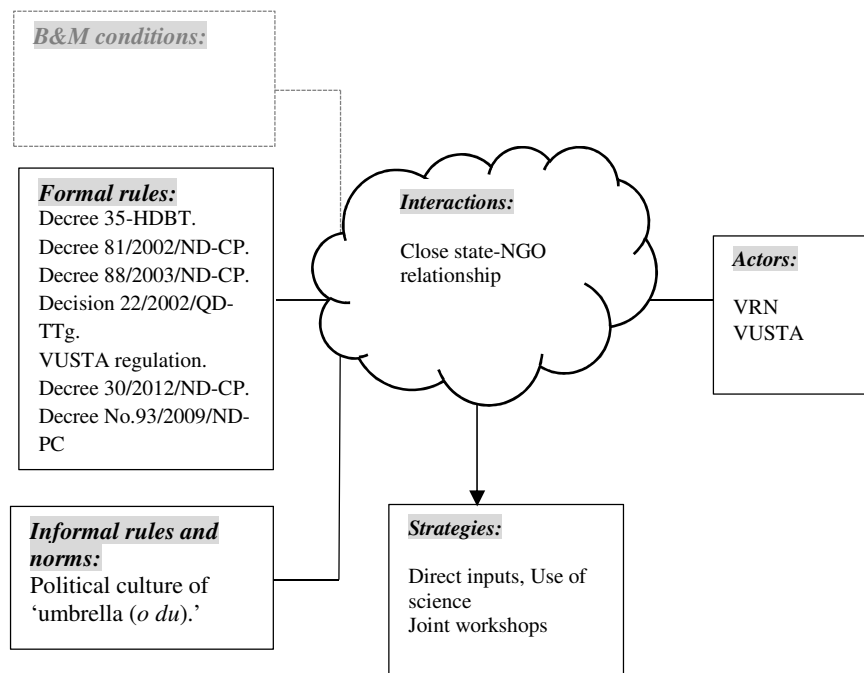


Figure 15: Influence of formal rules and actors on the VRN's strategy targeting national decision-makers

This relationship with VUSTA reflects the close state-civil society relationship in Vietnam. Many scholars discuss this close relationship and the 'fuzzy' boundaries between the state and NGOs (Norlund et al. 2006: 32; Kerkvliet 2001: 240). As Gainsborough (2010) indicated, a 'key concept in Vietnamese political culture is the idea of the umbrella (*o du*) whereby lower-level institutions or individuals receive backing or protection from those higher up the political chain' (Gainsborough 2010: 57). In the case of the VRN this backing was provided through VUSTA. As discussed in chapter 5, the VRN is formally a project of the WARECOD, one of VUSTA's member associations. It is interesting to note that this backing is reflected as part of the NGO's organizational identity. As an illustration, some of the VNGO's web sites and staff name cards carry the name of VUSTA along with the name of the NGO (WARECOD 2012).

There is also a question of whether VUSTA is a state organization or a civil society organization. VUSTA's regulation defines itself as a 'socio-political organisation of the national contingent of science and

technique intellects' (Article 1 *VUSTA Regulation* 2006). VUSTA is a member of the Vietnam Fatherland Front (Article 1 *VUSTA Regulation* 2006) and has a close relationship with the CPV (Norlund et al. 2006: 49). Strictly speaking it is not a government agency. However, its regulation was approved by the Prime Minister (*VUSTA Regulation* 2006). This relationship between VUSTA and the state illustrate the fuzzy boundary between civil society and the state in Vietnam (Kerkvliet 2001: 241; Thayer 2008: 5-11; Norlund et al. 2006: 32). VUSTA's close relationship with the CPV, however, does not necessarily cascade down to the associations registered under VUSTA such as the WARECOD, as they generally have looser connections with the Party (Norlund et al. 2006: 49).

Another formal rule which shapes the state-NGO relationship is associated with funding. Many VNGOs and their projects receive funding from international NGOs and the VRN is not an exception (Vietnam Rivers Network 2013: 38). Even when the funding is directly channelled from international NGOs to Vietnamese NGOs, this support needs to be approved by state authorities in accordance with the Decree No. 93/2009/ND-CP which regulates using aid from international NGOs (Article 15 *Regulation on the use of aid from INGO* 2009). The intervention by the state over the channelling of funds provides room for interference by government agencies on the activities of NGOs. This reflects the resource dependent nature of organizations, including NGOs (Saxon-Harrold 1990; Hsu 2010).

The somewhat 'structured' relationship between the state and NGOs observed in Vietnam is in direct contrast to that of Cambodia, where NGOs also have requirements for registering with the government agencies, specifically the MoI. However, no specific operational relationship was observed between the MoI and NGOs. NGOs have been operating relatively freely in Cambodia since around 1991 (Cooperation Committee for Cambodia 2012b). Unlike in Vietnam, there is no 'umbrella' organization for Cambodian NGOs. This relationship is reflected in the RCC's strategies working with national decision-makers. Compared to the VRN, which used various formal and informal mechanisms for reaching decision-makers, the RCC's work primarily used formal mechanisms. These included formal meetings with the CNMC officials during the Xayaburi stakeholder consultation meeting in Sihanoukville, as well as including the hydropower

dam issues during the national workshop on climate change (The NGO Forum on Cambodia 2011b; C5 2012a).

One of the formal opportunities to dialogue with the government was created through the PNPCA process of the Xayaburi hydropower dam. The public consultation organized by the CNMC created an opportunity for the RCC to conduct a side meeting with the CNMC during the consultation. The RCC's letter which followed this meeting illustrates the RCC's appreciation towards the CNMC's collaborative approach, a positive shift in its relationship with the authority. From this point of view, the Mekong Agreement and the PNPCA, the formal rules governing the Mekong, opened a space for the RCC to dialogue with the national decision-makers. This is illustrated in Figure 16.

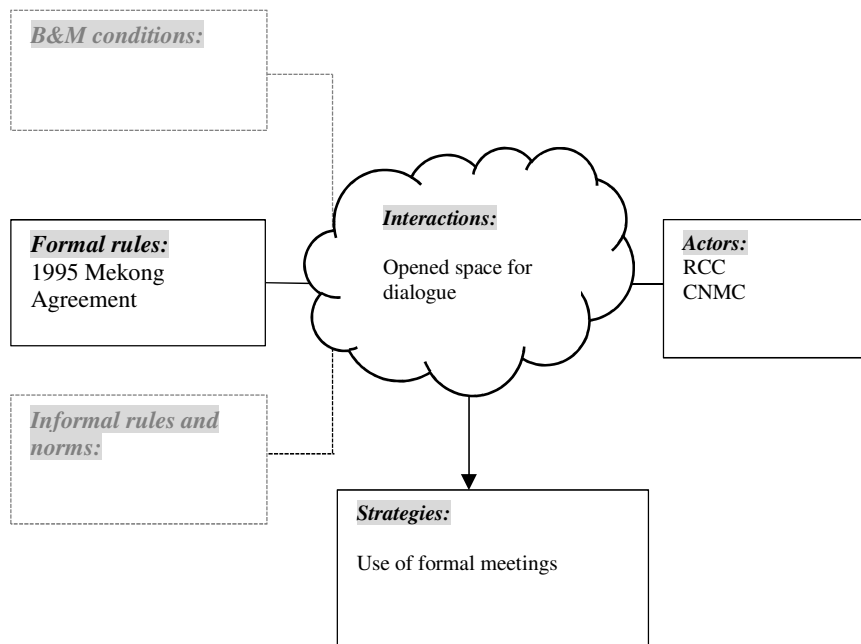


Figure 16: Influence of formal rules and actors on the RCC's strategy targeting national decision-makers

It is also important to note that in both the Cambodian and Vietnamese contexts the position of both governments in association with the Xayaburi dam is that of requesting more assessment of potential impacts from the dam before the decision could be made (Kingdom of Cambodia 2011; The Socialist Republic of Viet Nam 2011). This worked favourably to

develop a positive relationship between the NGO coalitions and the authorities. In the case of Cambodia, however, when the public consultations were conducted, the official position of the Cambodian government was not yet disclosed. Therefore, it is premature to conclude that this position influenced the RCC's strategy of using formal meetings.

9.4.2 Availability of 'credible' science for decision-makers, communicators of science and cultural and historical aspects of science

One of the key factors which affected the way both case study NGO coalitions undertook their strategies was the availability of 'credible' science for decision-makers and the availability of communicators of science. In Vietnam science was derived from two sources. One of them was information from the SEA report, which was commissioned by the MRC and conducted by the ICEM. One of the scientists within the VRN's Mekong task force was the team leader of the study in Vietnam (ICEM 2010b). Having a scientist who led the major study commissioned by the MRC gave the VRN the advantage of fully understanding the science behind the study, and gave credibility to its message to the Government (V24 2013). Another source of science came from scientists from universities in the Mekong Delta, particularly the Can Tho University. They had been studying ecosystems, soil, and agriculture within the Mekong Delta for decades, and had first-hand knowledge and observation of the changes due to on-going upstream development occurring within the Delta (V17 2012; Tuan 2011). In both cases, the science came from people and organizations that were perceived as credible by the government. This illustrates the important role of scientists in the VRN and the ways they could develop a science strategy. The importance of the credibility of science communicators is reflected in the literature on the science-policy interface and the way that it is important 'whose science matters' (De Santo 2010).

As discussed in an earlier section, the VRN had a close working relationship with VUSTA, and VUSTA plays the role of a boundary organization in the Vietnamese context. The role as boundary organization was created by the formal rule which defined the VUSTA's role in critically reviewing government policy from a scientific point of view (*Decision No.*

22/2002/QĐ-TTg 2002; Decree No. 81/2002/ND-CP 2002; Decree No. 88/2003/ND-CP 2003; Decree No.30/2012/ND-CP 2012; VUSTA Charter 2012). As discussed earlier, the VRN's close relationship with the VUSTA and its status as a member association of the VUSTA arises through the formal rules binding Vietnamese NGOs (Decree No. 35/HTBT 1992). This close relationship with the organization which is officially mandated, through formal rules, to provide scientific input to the government's decision-making allowed the VRN to have wider channels of scientific inputs.

In addition, Vietnam has a culture of respecting science, as discussed in chapter 6. The importance of science was echoed by some of the interviewees who indicated that science and education are important in Vietnam (V11 2012; V16 2012).

The interaction of physical and material conditions, formal rules, informal rules and norms, and actors, created pathways for a science-policy interface through VUSTA. The interaction also created the close relationship between VUSTA and the VRN. These interactions resulted in allowing the VRN to adopt a strategy of using science. Figure 17 illustrates this influence.

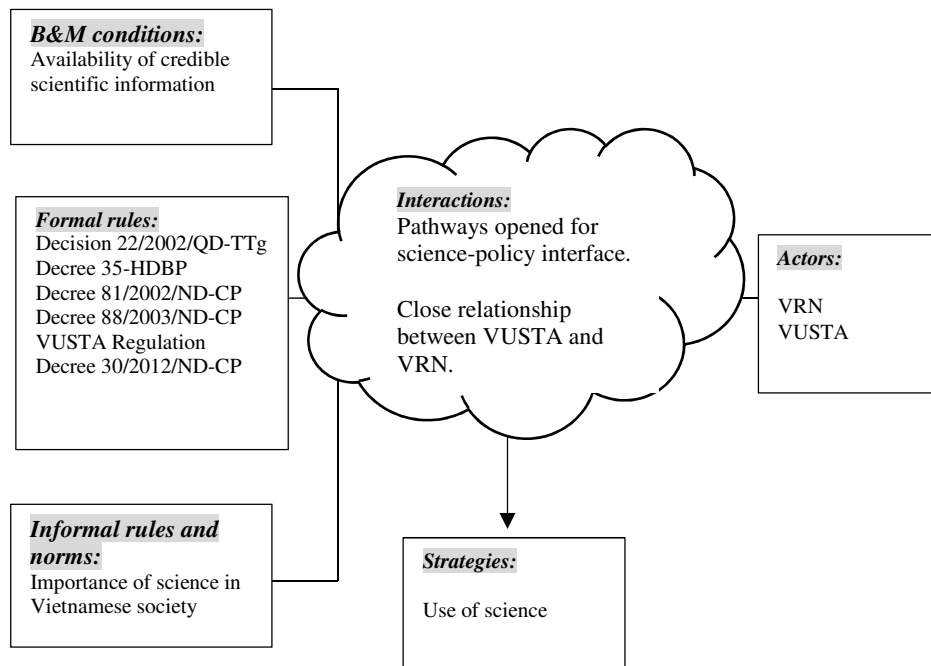


Figure 17: Influence of biophysical and material conditions, formal rules, informal rules and norms, and actors on the VRN's use of science

In contrast to the situation of the VRN in Vietnam, the RCC in Cambodia did not have its own ‘credible’ science, nor communicators of science. When necessary, the RCC used information from the MRC commissioned SEA report (C5 2012b). One of the government officials interviewed considered that government agencies have a better understanding of technical information than NGOs, indicating that the RCC members did not provide any added value to the existing knowledge which the government considered it already had (C29 2012).

While the RCC attempted to use science in its previous work with the hydropower dams on the Mekong’s tributary the network did not seem to have gained credibility with government officials in its reports. An analysis of what makes ‘credible’ science and its communicators leads us to consider the influence of the state-NGO relationship. In the case of the RCC it is important to consider this relationship from an early period when the network was called Se San Working Group, which focussed on understanding the impacts of the Yali Dam on Cambodian communities (C11 2012; Hirsch and Wyatt 2004). The network conducted and published its own research reports and attempted to communicate with the MRC and the national government authorities (C11 2012; 3S Rivers Protection Network 2007; The NGO Forum on Cambodia 2005; Baird and Mean 2005; Hirsch and Wyatt 2004). The concerns of riparian communities and the research on impacts of livelihoods supported by the network were largely neglected by the national agencies which represented Cambodia in international conflict resolution meetings through the MRC (Hirsch and Wyatt 2004: 61-64). Despite the availability of the evidence of impacts on communities which was based on NGO and communities’ own research, the Cambodian official representatives reportedly claimed that they did not have adequate ‘scientific’ evidence to present the case and were thus unable to raise community concerns (Hirsch and Wyatt 2004: 64; C25 2012).

In case of the Xayaburi dam and the scientific information, some government interviewees commented that Cambodian NGOs tend to raise social human rights issues related to hydropower dam without fully understanding the economics and techniques of the technology (C34 2012; C29 2012). Government agencies consider that they have their own science

expertise, and there is a tendency to consider that research outputs produced by Cambodian NGOs are sub-standard (C7 2012; C32 2012). A Cambodian academic who was formerly engaged in the work of the RCC commented that the RCC tends to use foreign consultants for their scientific work, rather than work with academics within Cambodia (C28 2012). The same interviewee continued to say that even reports prepared by foreign consultants are often not trusted by the government when they are commissioned by Cambodian NGOs (C28 2012).

One of the interviewees commented on the fact that in comparison to Vietnam, which has a Confucius tradition and an emphasis on the importance of science and education, Cambodia as a society has less emphasis on the use of science as a result of its historical legacy (Horwitz and Calver 1998; V11 2012). Cambodia suffers from a historical loss of intellectuals in the country due to the Khmer Rouge regime which targeted intellectuals for its genocide. This resulted in the death of many intellectuals and led others to flee the country during the regime (Edwards 2004a: 62). The result of this is a large gap in academic knowledge in the country. One of the interviewees commented that high level government officials over 50 years of age tend to be former soldiers from the internal conflict period, and do not have an educational basis for understanding science (C3 2012). In recent years Cambodian universities have often been considered to be a place for people to go to in order to receive a degree, rather than an institution for building long-term knowledge through research (C28 2012). The reality of academic life in Cambodia lacks incentive for academics to engage themselves in long-term research (C28 2012; C35 2012). Academics at Cambodian universities are government staff who receive a minimal level of salary ranging from 80-150 dollars per months on average. This is not a sufficient amount to sustain a life in the capital Phnom Penh city (C35 2012). In order to sustain their livelihoods they often engage themselves in external jobs such as working as consultants to donor-funded projects. This leaves them with no extra time to conduct their own academic research (C28 2012; C35 2012). As they are government staff, academics at Cambodian universities tend also to be reluctant to engage themselves with advocacy NGOs that are considered to be anti-governmental (C28 2012). When NGOs need to conduct research on a certain issue they often contract international

consultants who are considered as having higher capacity than Cambodian academics (C28 2012).

The analysis of the importance of the factors discussed above, namely the availability of credible science, the availability of communicators, and state-NGO relationships, is also echoed in the literature of the science-policy interface. A recent study conducted by the Overseas Development Institute (ODI), which reviewed the science policy interface within developing countries, indicates that deliberation between researchers and policy makers, and advocacy by researchers were two options that were favoured by both policy-makers and scientists as measures to promote science, technology and innovation (Jones, Jones, and Walsh 2008: 19). The study also identified the existence of a scientific knowledge broker as one of the key important factors in promoting the science-policy interface, and the importance of the credibility of knowledge brokers. The study findings indicate that while professional scientific organizations are considered as most effective mediators between ST&I (Science technology and innovation) research and policy-making, advocacy organizations are perceived as one of the least effective (Jones, Jones, and Walsh 2008: 26-31).

This comparison of NGO coalitions illustrated that rules, norms, actors and physical and material conditions all played important roles in shaping the NGO coalition's advocacy strategies. The Vietnamese case analysis revealed the important role played by boundary organizations in connecting science and policy. The Vietnamese NGO's accessibility to boundary organizations was shaped through formal rules defining the establishment and registration of NGOs in Vietnam. Credibility for NGO's science in Vietnam was gained through the characteristics of membership of the coalition, and their relationship with the authorities. The Cambodian case lacked the existence of boundary organizations and formal rules to support the relationships, and the members did not have particularly strong scientific backgrounds or credibility.

9.4.3 Personal networks and network membership

Another actor that provided the VRN with the avenue to access decision-makers was the VNMC. As discussed in chapter 5, the VNMC plays the main coordinating role within the Vietnamese government over

the issue of the Mekong River (Article 1 *Decision No. 860-TTg* 1995). One of the members of the VRN Mekong task force was the a high ranking official from the VNMC who was able to play a role of connecting the VRN members effectively with the VNMC (V2 2012; V24 2013).

The analysis of the state-NGO relationship leads us to consider the role which existing networks and social capital played in Vietnam. In Vietnam, the use of informal networks included in the VRN's approach reflects the profiles and human networks brought by the VRN members, particularly among its Mekong task force members. These members include former government officials, scientists at Vietnamese universities, and individuals with networking and facilitation skills (V16 2011; V2 2012).

Some of the interviewees reflected that personal contacts are very important in Vietnamese society (V2 2012; V24 2013). Referring to this , one of the interviewees (V24) continued that 'who you know is very important in Vietnam' (V24 2013). The author's observation from her personal work experience in Vietnam also supported the view that knowing who you are connected with is very important in gaining trust with Vietnamese people. When the author met Vietnamese people for the first time, they always tried to find out with whom she was connected, and when they found mutual connections the distance between became less. These anecdotes illustrate the importance of human networks and social capital in Vietnam. This situation is also reflective of the importance of trust within Vietnamese society, as discussed in chapter 5. Vietnamese traditionally tend to trust small circles of acquaintances, through family and village networks.

This cultural context was important for the VRN's advocacy strategy in approaching national decision-makers (V26 2012). In order to gain trust for its advocacy target, the VRN members contacted different people through their networks (V2 2012). The VRN as a network includes government officials, retired government officials, and even an organization which is part of a government institution (V12 2012; Vietnam Rivers Network 2012). This membership characteristic enabled the VRN to develop a good network with government officials. The Vietnamese culture, which emphasizes the importance of personal networks and the need to gain trust through close networks of people, explains the reason for the VRN adopting the strategy of attempting to use all kinds of entry points that were

available through the member's networks. As illustrated in Figure 18, this cultural aspect, which is also a norm, was one important aspect which shaped the VRN's strategy.

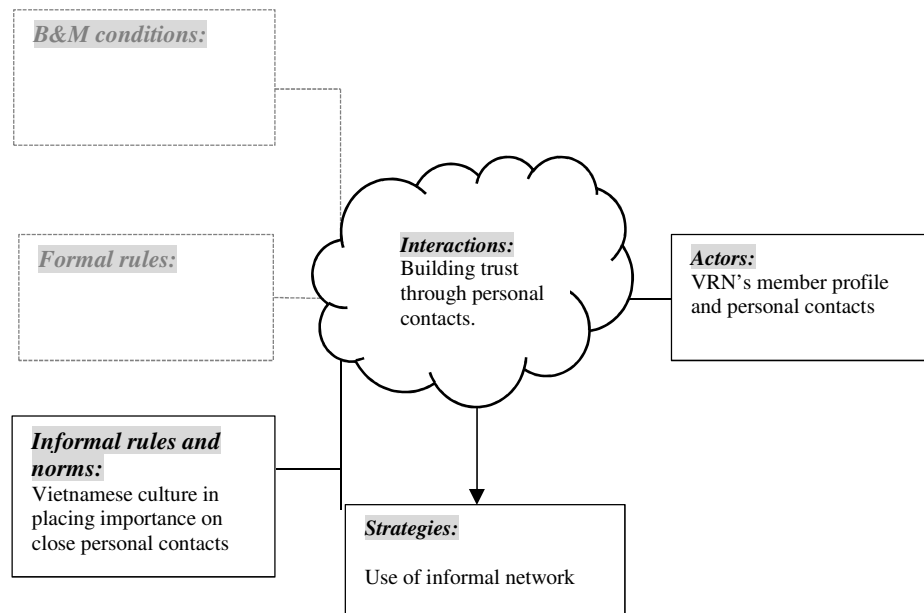


Figure 18: Influence of norms and actors on the VRN's use of informal network

This emphasis on the use of personal networks was not observed in case of the RCC in Cambodia. The relationship with the government appears to be rather formal, as one of the key members indicated, 'we write a formal letter requesting to join any meeting related to Xayaburi dam' (C5 2012b). The same interviewee indicated that one of the constraints in working with Cambodian government is the fact that they always need to show respect, and is difficult to argue or bring different opinions with the government officials without losing the appearance of respect (C5 2012b; C3 2012). Another interviewee stated that the relationship between NGOs and government in Cambodia is not generally good, as NGOs do not trust government and, reciprocally, the government may view advocacy NGOs as being anti-government (C28 2012). In addition, as discussed in chapter 5, the RCC's relationship in the past with the Cambodian government on the

issue of the Se San River was rather contradictory, which may also provide the basis for the current relationship between the RCC and the state.

9.4.4 Building onto an existing partnership

Both the Cambodian and Vietnamese workshops built on existing partnerships and connections with organizations. For the RCC, the workshop at which they collaborated with the Council of Ministers was possible due to the on-going relationship with the NGO Forum and the CARD (C5 2012b). The experts for the hydropower session were recruited through the RCC's partners internationally (The NGO Forum on Cambodia 2011b). Participants of the workshop, particularly the community participants, were available through its members' on-going relationships with communities (The NGO Forum on Cambodia 2011b). While the event was organized jointly with other programmes of the NGO Forum, the hydropower programme of the NGO Forum and the RCC did not in the past have a particular working relationship with the Council of Ministers (C5 2012b). The RCC took advantage of other programmes within the NGO Forum possessing on-going working relationships with the Council of Minister's office, as a way to include hydropower as part of the themes of the public forum (C5 2012b). With its work with the Xayaburi dam, the RCC for the first time, appeared to be on 'good terms' with the CNMC, one of its key governmental counterparts (C29 2011).

In the case of Vietnam, VUSTA was the obvious partner for the NGO coalition. This was already discussed in an earlier section. In addition, Pan Nature, a Vietnamese environmental NGO, and also a member of the STM Coalition, already had a working relationship with National Assembly members, and provided an entry point for the VRN to conduct a workshop targeted to the National Assembly members (V3 2012; V16 2011). Another NGO which the VRN collaborated with in their targeted workshops was WWF. This collaboration started approximately one year after the PNPCA process began (V2 2012). The collaboration with WWF was focused on raising awareness and disseminating the knowledge of scientists on the impacts of upstream hydropower dams, particularly the impacts on sediment flow and geomorphology (WWF and VRN 2011; WWF 2012). For WWF,

which has offices in each country within the Lower Mekong basin, the VRN provided a forum to present its technical knowledge on the impacts of the dam (V8 2012). WWF's approach to the Mekong's mainstream hydropower dams is to be a constructive and solution-oriented partner with governments (Yong and Grundy-Warr 2012: 1045). This aligns with the strategy of the VRN. In conducting the workshop, the WWF provided scientific knowledge and funding to the VRN and the VRN provided its own scientists and an audience for the WWF's work (WWF and VRN 2011; V8 2012). Although the partnership between the WWF and the VRN is relatively new (V2 2012), there is an alignment in approaches and mutual benefit in its collaboration between these two actors (V8 2012).

These relationships illustrate the resource dependence nature of partnerships. In particular this point is highlighted when comparing the RCC's relationship with WWF. While WWF operates in both Cambodia and Vietnam it does not have a working relationship with the RCC. Instead, WWF collaborates with certain members of the RCC on specific projects. WWF has been collaborating with the Cambodian Rural Development Team (CRDT), one of the province-based RCC members on the conservation of dolphins living in the Mekong River. In line with this work, WWF also supported some of the province-based activities conducted by the CRDT on awareness raising of hydropower dams (C10 2012; C12 2012).⁷ WWF also collaborates with Oxfam Australia in supporting the Fisheries Administration in its work analysing the impacts from hydropower dams on livelihoods and nutrition (C22 2012). The collaboration takes place as there appear to be clear mutual benefits in these relationships, which are not observed in the relationship between WWF and the RCC as a network.

9.5 Chapter conclusion

Through reviewing the advocacy strategies targeting national decision-makers adopted by the RCC and the VRN this chapter provided an analysis of how rules and norms influence advocacy strategies of NGO coalitions. Three main findings were observed from the analysis.

⁷ More details of this activity will be discussed in the next chapter.

One of the findings is that in both the Cambodian and Vietnamese contexts formal rules created a situation which influenced state-NGO relationships. The difference lies in the types of rules and the relationships. The relationship created in Cambodia was issue-specific to the Xayaburi dam, where the 1995 Mekong Agreement created a space of dialogue between the RCC and the CNMC over the Mekong River's hydropower dam. In Vietnam the relationship was created through the national legislation which regulates Vietnamese NGOs. This has the nature of a long term relationship not specific to the Xayaburi dam.

Domestically, Vietnamese NGOs have to follow tighter regulation than Cambodian NGOs. This tight regulation could potentially be used as a way to control NGOs and civil society movements in Vietnam that threaten the current political regime of one party state. As an example, the Vietnamese government does not show tolerance towards dissident movements supported by the Vietnamese people who left the country during the Vietnamese war (Thayer 2008). If these movements become larger they could potentially be threats to one party rule. The State, therefore, in this situation, may need to carefully control and 'manage' civil society. However, in case of the VRN, the NGO coalition used the tight regulatory situation to its advantage, by creating an entry point in collaboration with State agencies. Both cases illustrate the fact that NGO coalitions utilized the existence of formal rules and their consequences in order to promote and develop their strategies.

The second finding is the role that informal rules and norms played in the development of strategies, particularly in Vietnam. In the VRN's strategy of using informal networks, the Vietnamese norm which places importance on personal networks, and the availability of actors who have effective networks with actors within national government agencies, were both important factors which shaped the strategies of the VRN. In its strategy using science, the norm in Vietnam which values science, interacted with three other factors: the close state-NGO relationship shaped through formal rules and its use of actors, the existence of actors and boundary organization that are capable of communicating science to the decision-makers and the availability of scientific information.

Finally, the interactions among actors based on resource dependency also contributed to developing strategies. This point echoes what was discussed in the earlier chapter analysing the strategies targeting regional decision-makers.

Chapter 10: Strategies targeting stakeholders in affected area

10.1 Chapter introduction

The Xayaburi hydropower dam is expected to significantly impact downstream areas in Cambodia and Vietnam. As discussed in chapter 4, the direct impact in Cambodia is expected in areas along the mainstream of the Mekong River. In Vietnam most impact is expected to occur in the Mekong Delta. Both the RCC and the VRN conducted awareness raising activities for communities and stakeholders living within the potentially affected areas. This chapter first discusses the strategies adopted by the RCC, followed by a discussion of VRN's strategies. The chapter is followed by the comparative analysis of the strategies and the recurring themes identified within them, with the aim of identifying how rules and norms influenced the advocacy strategies of the case study coalitions.

10.2 Strategies adopted by the RCC

10.2.1 Community Awareness raising events

RCC members organized various community-related events during the Xayaburi PNPCA discussion in order to raise awareness of the Xayaburi dam. In addition, thumb print petitions by villagers which targeted regional decision-makers (discussed in an earlier chapter), also functioned as awareness raising exercises among community members. Events took place at various localities within Cambodia. This section discusses the key events which took place in Kratie and Kompong Cham provinces, as well as activities in other localities.

10.2.1.1 Community events in Kratie

Kratie province is situated along the Mekong River's mainstream (see Figure 9 in chapter 4) and faces significant threats from the development of hydropower dams both on the mainstream and tributaries. Two of the hydropower dams planned on the mainstream of the Mekong River in Cambodia, namely Sambor dam in Kratie province and Stung

Treng dam in Stung Treng province, are in the vicinity of Kratie province. When built, these planned dams are expected to result in significant impacts in the area (ICEM 2010b). According to the SEA of the Mekong's mainstream dams, these two dams could effectively stop fish migration from Cambodia to the Lao PDR, which is the key migration route of fish species in the Mekong River (ICEM 2010b: 95). This situation is important to note since these plans for dam construction by the Cambodian government may have potentially affected the attitude of the local authorities in Stung Treng and Kratie provinces related to the hydropower dams.

Two Kratie based RCC member NGOs actively organized community events: the CRDT and the Community Economic Development (CED). Both organizations work with community livelihoods improvement, primarily in Kratie and Stung Treng provinces (The Cambodian Rural Development Team undated; C13 2012). At times these NGOs talked about the impact of hydropower dams on the Mekong River during their regular visits to communities and through their rural development project activities (C12 2012; C13 2012). In June 2012 the CRDT and the CED organized two awareness raising events. The first one was a community awareness raising event in Sambor district, Kratie province on the 20th of June 2012 (C12 2012). The event involved presentations on natural resource use given by the international and local NGOs working on natural resources issues along the Mekong mainstream. These were followed by a peaceful march (C12 2012; C13 2012). The event attracted approximately 130 participants from the community, including village chiefs, commune chiefs, local government officers, and local NGOs. Another event was organized on the 28th of June 2012, this time held at the University of Management and Economy in Kratie province (C12 2012). The event was attended by university students as well as by commune leaders in the area (C12 2012). In a similar way as in the earlier event, international and local NGOs working in the area including WWF, Oxfam, and the CRDT presented the results of their research on conservation, climate change, disaster, and livelihoods that are linked to the Mekong River, particularly related to Kratie and Stung Treng provinces (C12 2012). After the presentation, students wrote their ideas and comments about the topics on a big banner (C12 2012).

The organizer's initial intention for both of the events was to raise local awareness on the Xayaburi dam. However, after reluctance from the local authorities to place hydropower as the topic of the event, the wording describing the purpose of the event was formulated as to 'raise awareness on the importance of protecting the benefits from the Mekong River' (C13 2012; C12 2012; C10 2012). This incident exemplifies the influence of the informal pressure from local authorities which the RCC faced in organizing the event.

Both events were funded by International Rivers (IR) who also supported the provincial NGO network where RCC members shared information related to the development of hydropower dams in the region with other NGOs operating in Kratie province (C12 2012; C13 2012). According to one interviewee, the details of activities funded by IR were determined through joint discussions between the donor and the recipient of the fund (C13 2012). This illustrates the fostering relationship between IR and the RCC members.

10.2.1.2 Buddhist peace walk in Kampong Cham

Kampong Cham is located downstream from Kratie province on the mainstream of the Mekong River (see Figure 9 in chapter 4). The Buddhist Association for Environmental Development (BAED), a relatively new member of the RCC since the beginning of 2012, is based in this province (C9 2012b). The BAED organized a Peace Walk campaign to stop the Xayaburi dam on the 29th of June 2012 (The NGO Forum on Cambodia 2012a). The purpose of this event was to raise awareness on the Xayaburi hydropower dam among communities living along the Mekong River and to gain their support for cancellation of the Xayaburi dam (C9 2012b). The event also provided an opportunity for the communities to raise any concerns about the Xayaburi dam (C9 2012b). During this event, approximately 500-600 participants marched in the town of Kompong Cham, a provincial town along the Mekong River (see Figure 9 for the location) (Lipes 2012; C9 2012b). Participants included monks, local communities, local authorities, students and communities from other parts of Cambodia

such as Rattanakiri, Stung Treng, Mondulakiri, and Kandal provinces (C9 2012b; C17 2012). This spread of participants illustrates the reach of the RCC's network. The event was also attended by the Deputy Secretary General of the CNMC (C3 2012; C29 2012; Lipes 2012). The participation of a high ranking official from the CNMC highlighted the support by the Cambodian government for the initiative. The event was funded by IR (C3 2012; C9 2012b). The idea for the march emerged through discussions between IR and the RCC members including the BAED, and the BAED who implemented the event (C9 2012b; C3 2012).

Prior to the peace walk the RCC conducted activities in 7 districts to inform communities about hydropower dam impacts and the Xayaburi dam (C9 2012b). Before these meetings RCC members provided training for Buddhist monks on the Xayaburi dam (24-25th January 2012). This allowed Buddhist monks to become communicators on the Xayaburi issues to the villagers (C9 2012b; C23 2012). The NGO sector review by the Cooperation Committee for Cambodia (CCC) indicates that advocacy through Buddhist-led community groups is a relatively new form of advocacy which is more acceptable to the government compared with the more direct approaches introduced by foreign NGOs in 1990s. These are still perceived as confrontational (Bañez-Ockelford 2010: 26). However, one of the interviewees commented that the degree to which Buddhist monks can play a role is limited to acting as communicators (C8 2012). This limited role of Buddhist monks is related to the current political climate of Cambodia and originates from the suppression of peaceful demonstrations organised by Buddhist monks in 1998. The RCC members involved in organizing the event commented that they initially faced resistance by provincial government officials but that they eventually approved the event (C23 2012; C9 2012a).

10.2.1.3 Other community-related events and activities

In addition to these community events, the RCC member NGOs also discussed and disseminated information on the Xayaburi hydropower dam to the communities through their existing community networks (C12

2012). As an example, the Fisheries Action Coalition Team (FACT), an RCC member NGO primarily consisting of a network of fishermen in Cambodia, disseminated information about the Xayaburi hydropower dam directly to other fishermen (C6 2012b). Other RCC members also disseminated information about the dam to villagers on various occasions (C13 2012; C18 2012; C12 2012). At times, NGO staff faced a situation where the village chief or the commune chief were not happy for NGOs to discuss dam issues with the villagers, as local leaders do not want villagers to be against the dam development (C12 2012).

The network of RCC members facilitated a collaboration among communities within Cambodia which would not have been possible otherwise. As an example, Rattanakiri is a province upstream of the Mekong River (see Figure 9 in chapter 4), thus its communities will not experience any direct impact from the Xayaburi dam. However, the communities living along the tributaries of the Mekong River in this area have already been impacted by other hydropower dams through changes in flood patterns and changes in water quality and flow which have subsequently affected natural resources, particularly fishery, and the health of local residents (Wyatt and Baird 2007). The first-hand experience of these communities to the impacts of dams made them sympathetic to the potential impact from the Xayaburi hydropower dam on the downstream communities (C17 2012) and they collaborated with the Xayaburi advocacy work lead by the RCC. Representatives of these communities participated in the peace walk in Kompong Cham and presented their experiences from other hydropower dams to the participants at the event (C17 2012).

10.2.2 Thumb prints petitions by community members

Presenting a petition to authorities using thumb prints was another tactic used by the RCC. However, this activity was also considered ‘sensitive’ by the authorities and this influenced the RCC’s activities (C12 2012; C13 2012; C16 2012). As discussed in Chapter 8, the RCC sent a petition letter to the Thai Prime Minister along with thumb prints of 3,208 Cambodian community representatives in December 2011, demanding that the Thai government stop its plans to buy electricity from the Xayaburi dam

(The NGO Forum on Cambodia 2012b). Communities living along the tributaries of the Mekong which would not be directly affected by the Xayaburi dam also collaborated in this petition, as 896 community members in this region thumb printed the petition to cancel the Xayaburi hydropower dam which was addressed to the Prime Minister of Thailand (3S Rivers Protection Network 2011: 9).

During the Buddhist peace walk organized in Kompong Cham province on the 29th of June 2012 (discussed in an earlier section) 186 members of communities, monks, students and civil society organizations signed another petition letter demanding a stop to the Xayaburi dam (The NGO Forum on Cambodia 2012b). Some of these petitions and the thumb prints were displayed to the public at one of the national-level forums which the RCC organized (C16 2012). According to one of the RCC members, a high ranking government official who attended the forum saw this petition and became angry, criticizing the organizer for displaying such a petition (C16 2012: 8). The interviewee commented that the reason for this reaction was due to the fact that collecting thumb prints is considered to be an action ‘against the government’ (C16 2012: 9), further illustrating the negative perception by government officials of thumb prints.

Collecting thumb prints was also considered to be a ‘sensitive’ activity by some of the NGO members. Although thumb print collection was an agreed activity among the RCC members, one interviewee commented that there was disagreement among the RCC members on this activity (C16 2012). Some of the member NGOs did not participate in the thumb print collection activity as they were afraid that this activity would be considered too controversial in the eyes of local governments, and they did not want to jeopardize their carefully cultivated relationships with local authorities (C16 2012; C15 2012). Another member NGO initially tried to collect thumb prints directly from community members until the local authority opposed this activity (C13 2012). Therefore, the NGO changed its strategy and instead of collecting thumb prints directly from community members, left the petition form at the community, leaving them to collect the thumb prints themselves (C13 2012).

For many of the community members this activity was also considered to be sensitive. Some of the communities faced difficulties in collecting thumb prints when local authorities such as commune councils described this activity as ‘against the government’ policy, which is pro-development (C12 2012). This situation implies that anti-dam activities were considered anti-development by the government. An RCC member interviewee observed that some local authorities thought that opposing the Xayaburi dam could result in opposition to hydropower dams planned in Cambodia, which might indicate that the communities were against the government (C12 2012). Some community members were afraid when the village head told them that they would get into trouble if they were against the dam, even though it is not clear what kind of ‘trouble’ or ‘punishment’ they might encounter (C12 2012).

As an example of possible ‘trouble,’ a man in Phnom Penh was detained by police while collecting thumb prints from villagers for a petition demanding the release of Mam Sonando, an independent radio station owner, who was arrested for the political dissent (Sovuthy 2012).⁸ Other villagers were not afraid of getting into any trouble (C12 2012; C17 2012). Some villagers expressed their scepticism about thumb print activities as they were afraid that the collected thumb prints might be misused by anyone who might receive a copy of the thumbprints (C20 2012). While there were different opinions and perceptions towards this activity it was clear that there was informal pressure from the local authorities against thumb print collection activities in general.

10.3 Strategies adopted by the VRN: Delta workshops

In the Mekong Delta in Vietnam the VRN organized a series of dialogue workshops to discuss hydropower dams with the local stakeholders in the area (V10 2012). These workshops were one of the first attempts by the VRN to work with local stakeholders within the Mekong Delta on the issues of hydropower dams (V16 2011). They took place almost one year after the PNPCA process commenced, illustrating the fact the VRN’s initial

⁸ The case of Mam Sonando will be discussed more in detail in chapter 11.

focus was to directly interact with the national level decision-makers. One of the interviewees indicated that ‘we realize that out of 18 million people in the Delta, most people don’t know how they would be affected’ (V16 2011).

A series of three workshops were held initially, targeting various stakeholder groups from government officials to local farmers. These workshops were conducted in collaboration between the VRN and Can Tho University, to which some of the scientists from the VRN’s Mekong task force also belonged (V16 2012). The first workshop was held on 28th of July 2011 in Can Tho city, and targeted provincial leaders and members of staff from the provincial departments (V16 2012; V10 2012; V17 2012). The second workshop was held on 26th-27th of November 2011, just before the MRC council meeting on December 2012 when the ministers from the four riparian countries were supposed to make a decision on the Xayaburi dam. The dialogue discussed the impacts of the upstream dam on people’s livelihoods and was targeted at farmers within the Mekong Delta (V16 2012; V10 2012; V17 2012). Approximately 50 farmers from 8 provinces participated in the workshop. Farmers from the other provinces were unable to attend due to the floods (Ni 2012; V16 2012). The farmer’s unions from each province mobilized participants (V16 2012). The third dialogue workshop was held on 12th of July 2012, targeting provincial leaders, farmers, and scientists (V16 2012; V10 2012; V17 2012).

Another workshop was held within the Mekong Delta, specifically targeting provincial government officials (V16 2012). The workshop was organized in collaboration with the Southwest Steering Committee, a politically important committee chaired by the Vice Minister and located directly under the bureau within the central Party in Hanoi (V15 2012). On 25th of November 2011 the VRN organized a workshop co-chaired by the Southwest Steering Committee and ForWet (Research Centre of Forest and Wetlands), a Vietnamese NGO based in Ho Chi Minh City (V16 2011). The workshop targeted the provincial governments. The Southwest Steering Committee is a governmental institution consisting of 13 southern provinces in Vietnam with the mandate to consult with southern provinces on issues related to policy and strategy in the Mekong Delta (V15 2012). As commented by one of the interviewees, ‘the most important outcome (from the workshop) was a letter from the Southwest Committee to the central

government agencies' (V16 2012; The Southwest Steering Committee 2011).

10.4 Comparative analysis

The RCC used different mechanisms to raise the awareness of the communities on the Mekong River, including workshops, thumb print petitions, community level events and meetings. Events were organized at different localities by the RCC member NGOs located in the provinces of Stung Treng, Kratie, Kompong Cham, and Rattanakiri (C18 2012; C14 2012; C5 2012b; C12 2012; C9 2012b). In contrast, the awareness raising activities of the VRN in the Mekong Delta during the study period were limited to three workshops. Cambodian events were held in communities or provincial towns, allowing the participation of various individuals from within the communities, including farmers, government officers and students. In contrast to Cambodia where most events were attended by local participants, most of the participants in the Vietnamese workshops travelled from other provinces to participate in the events. This made it logistically difficult for members of other communities to participate. In Cambodia different events were held at the local level throughout the PNPCA process of the Xayaburi dam, aiming to raise the awareness of the impacts from hydropower dams on the Mekong River. Compared to Cambodia where local level activities took place throughout the PNPCA process, the VRN's activities at the local level did not take place until one year after the PNPCA process commenced.

When organizing the events, the RCC member NGOs often faced resistance towards raising the issue of hydropower dams from local authorities, resulting in modifications as to how events were presented. At times the name of the event had to be changed from 'hydropower' to 'raising awareness on the importance of protecting the Mekong River' (C13 2012; C10 2012; C12 2012). As discussed in chapter 9 the RCC was also hesitant to raise hydropower as a main issue of discussion at the national level workshop, and used the wording 'energy' instead (C5 2012b). In contrast, the workshops in Vietnam clearly indicated hydropower as a main topic, and none of the interviewees in Vietnam mentioned the existence of

informal pressure from the authorities against raising hydropower dam issues openly at the provincial level. As discussed in chapter 9, the VRN's national level workshops also clearly identified hydropower as a main topic of discussion.

Where did the difference in approaches come from? Through the comparative analysis of two case studies, two themes emerged: the authority's tolerance over advocacy on sensitive issues, and NGO-community relationships.

10.4.1 Authority's tolerance over advocacy on sensitive issues

The comparison of Cambodia and Vietnam highlights the difference in sensitivity of the respective authorities towards discussing the issue of hydropower dams. As discussed in chapters 9 and 10, the RCC faced informal pressure by national and local authorities not to raise the issue of hydropower dams. On the other hand, none of the interviewees in Vietnam indicated the existence of informal pressure against raising the issue of hydropower dams at the workshops that the VRN conducted in the Mekong Delta. The VRN members were also able to openly and publicly discuss the costs and benefits of hydropower dams on the Mekong with the National Assembly members and the Vietnamese government (Vietnam Rivers Network 2010; VUSTA, WARECOD, VRN, VNMP, et al. 2011). This situation in Vietnam may be also due to the Vietnamese government's position over the Mekong's mainstream dams. Vietnam does not have a strong interest in investing in mainstream dams on the Mekong, as discussed in chapter 4. In addition, the Vietnamese Prime Minister is from the Mekong Delta, and had a good understanding of the potential impact of the Mekong's hydropower dams on the Delta (V24 2013; V2 2012).

The impact of hydropower dams in general has been recognized for some time in Vietnam, and according to a comment by one of the interviewees, the government appears to be open to criticism:

'We did have a lot of strong critiques in Vietnam already. The hydropower issue has been discussed in the national assembly. The

government also recognized there is a problem and they are trying to fix it' (V20 2011).

The fact that the VUSTA was engaged in investigating the impacts from hydropower dams in Vietnam may have helped secure the government's acceptance of debates about hydropower impacts. As an example, the Hoa Binh Union of Science and Technology Association, which is the provincial branch of VUSTA, had been studying the impacts of resettled and downstream communities from the Hoa Binh hydropower dam. The Hoa Binh hydropower plant was built in the 1980s and started operation in 1994 (Phuc 2011). In another case, VUSTA and its associated scientists were also conducting a study on the impacts of the Thac Ba hydropower dam, built over 30 years ago, and on the impacts of resettlement of communities as a result of the Son La hydropower dam, whose construction was still on-going (VUSTA 2007, 2006).

Collaboration with the VUSTA was identified as an important strategy by VRN. This collaboration supported the VRN in their efforts to raise a sensitive subject. As one of the key VRN members commented,

'You know when you want to do something sensitive, you have to find the way, find people. But you have to talk in a way to make it less controversial, and less conflict. You have to talk constructively, so people see you in that way. You can be in trouble, then if you are in trouble, you cannot help other people. That's why we want to work with VUSTA from the beginning' (V10 2012).

However, there were limitations in the NGO coalition's capacity to raise the issue of hydropower development with the government. Although the issue of the Mekong's mainstream hydropower dams was not a sensitive issue for the government, one of the interviewees indicated that the issue of dams on the tributaries of the Mekong was not allowed to be raised during one of the workshops which the VRN organized jointly with VUSTA (R8 2012). This situation is associated with the fact that while Vietnam only has one project proposal on the mainstream of the Mekong River, it has several on-going and planned projects on the tributaries of the Mekong River which will affect downstream communities in Cambodia (Grimsditch 2012). In

addition, Electricity Vietnam (EVN), the state-owned electricity company in Vietnam, invested in the construction of the Lower Se San 2 dam, which is located within the Cambodian section of the Se San river, the tributary of the Mekong (Grimsditch 2012).

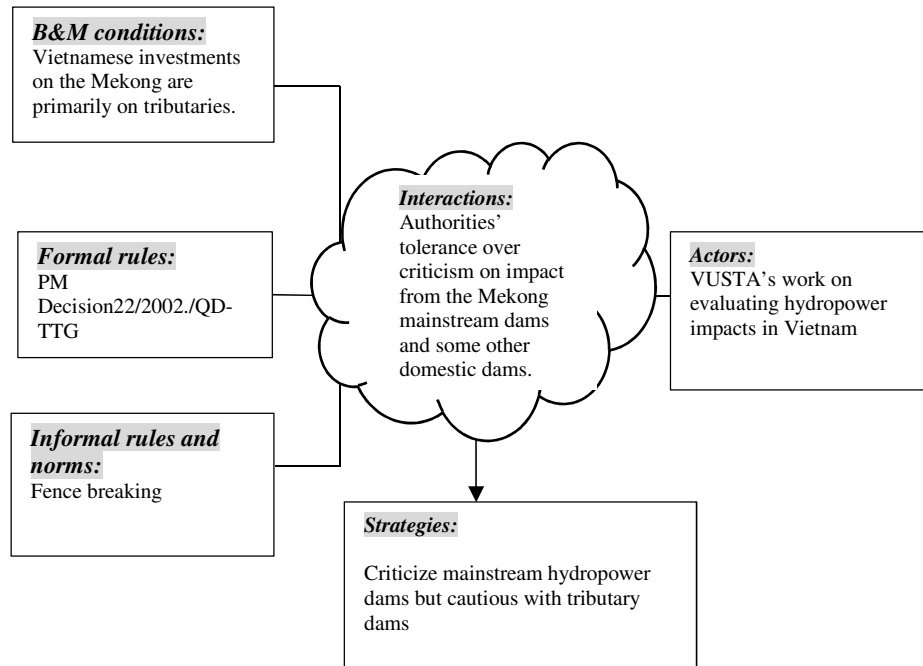


Figure 19: Influence of biophysical and material conditions, formal rules, informal rules and norms, and actors, on VRN's strategy in raising hydropower dam issues with authorities.

In Vietnam the government does not tolerate citizens' actions that directly threaten the rule of the Communist Party (Sidel 1997: 289; Thayer 2008). However, the government appears to show tolerance in other issues. For instance, a CIVICUS (World Alliance for Citizen Participation) report indicates that the government accepts advocacy on issues such as development and social programmes or humanitarian relief programmes (Norlund et al. 2006: 73). Over the issues associated with the Xayaburi dam, one of the interviewees commented that 'the political space in Vietnam goes up and down, depending on the political situation' (R8 2012).

As discussed in chapter 6, ‘fence-breaking (pha rao)’ is a norm which exists in Vietnamese society. This can also provide an explanation to the government’s tolerance over certain forms of criticism to its policy. This cultural norm provides an explanation of the way that the state accepts certain requests from civil society, and this may have played a role in the case of the VRN’s strategy to openly discuss hydropower issues.

This analysis of the Vietnamese situation is summarized in Figure 19. Formal rules such as the Prime Minister’s decision 22/2002/QĐ-TTg, which provides a mandate for VUSTA to critically review government’s policies, enabled a situation in which VUSTA could conduct reviews of the impacts of domestic hydropower dams. This situation, along with the Vietnamese fence breaking culture, allowed a certain level of criticism over the authority’s actions, and created a situation in which the Vietnamese government was tolerant towards a certain level of criticism on hydropower dams. However the fact that Vietnam was investing in dams along the tributaries of the Mekong River did not allow criticism of these developments. The analysis illustrates how formal rules, informal rules and norms, actors, and biophysical and material conditions interacted and created the situation in which the VRN was able to criticize some hydropower dam issues, but not others.

In Cambodia the RCC needed to be cautious when raising issues related to all hydropower dams with local and national authorities. As discussed in chapter 9 the RCC also needed to be sensitive when raising the issue of hydropower with the Council of Ministers (C5 2012b). At the local level the dominant influence over the RCC’s activities was the informal pressure exerted by local authorities not to speak up against hydropower development, combined with the fact that people were afraid of speaking up against the local authorities (C12 2012; C15 2012). It is interesting to note that this hesitancy and pressure persisted at the local level even after the Cambodian government officially announced its concerns over the Xayaburi dam (Kingdom of Cambodia 2011).

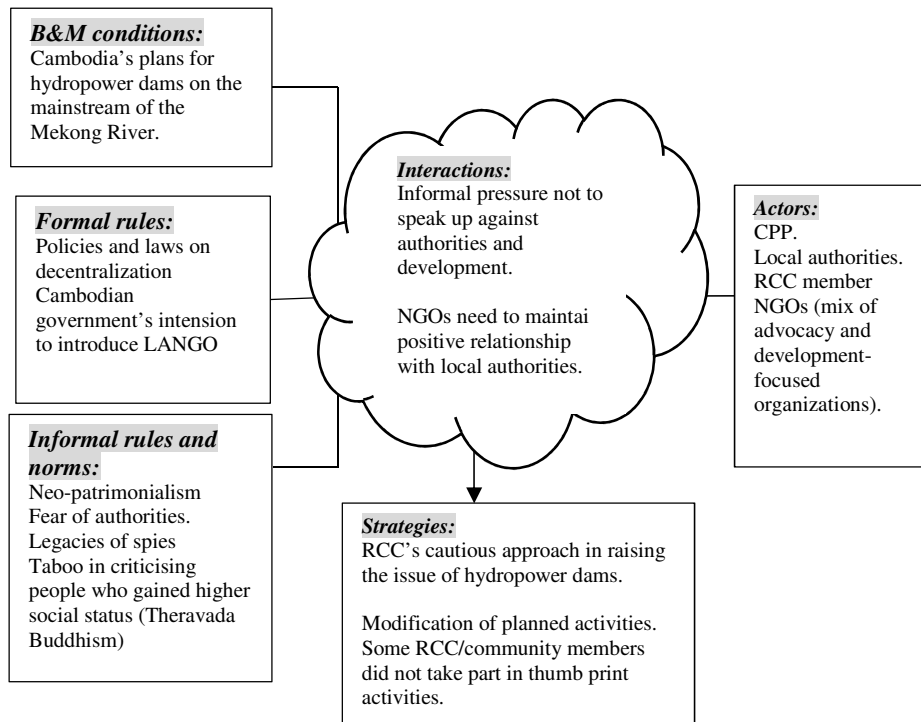


Figure 20: Influence of biophysical and material conditions, formal rules, informal rules and norms, and actors on the RCC's strategy in raising the issue of hydropower dams with the authorities

The informal pressure not to speak up against the authorities arises from various factors, as illustrated in Figure 20. As discussed in chapter 6, the current political situation where people are afraid to speak up against authorities was created through manipulation by the current ruling party of the decentralized governance system, which is based on formal rules. The current ruling party also used informal rules and norms such as neo-patrimonialism. In addition, traditional norms based on Theravada Buddhism's teachings which do not allow people to speak up against others who have gained higher social status, and the traditional fear of authorities which was enhanced by historical legacy of Khmer Rouge, contributed to creating the situation in which some of the RCC and community members were afraid of speaking up in the face of authorities.

The norm of not to speak up against the authorities contradicts the formal rule of freedom of expression for all Cambodians which is

guaranteed in the Cambodian Constitution (Article 41 *Constitution of Cambodia* 1993). Cambodia adopted multi-party political system, and the right of citizens to establish political parties is also guaranteed in the Constitution (Article 42 *Constitution of Cambodia* 1993). However, in reality, exercising this right in Cambodia is extremely difficult. The CPP led by the Prime Minister Hun Sen dominates the political scene and some scholars claim that Cambodia is moving towards an authoritarian state under his leadership. (McCargo 2005; Heder 2005; Un 2011). The major opposition party leader Sam Rainsy is in exile, and in 2010 he was sentenced in absentia to 11 years in prison for a number of charges which appear to be politically motivated. (Human Rights Watch 2010; Un 2011: 557; BBC News Asia 2013b; United Nations Human Rights Council 2012: 14). As discussed in chapter 6, this political situation is also resulting in fear of the authorities.

In addition, the plans of the Cambodian authorities to build hydropower dams on the Mekong River created a sensitive situation with local authorities. As discussed in chapter 4, Cambodia has plans to build two hydropower dams on the mainstream of the Mekong River in addition to other dams on the tributaries of the Mekong. This development was of special concern for Stung Treng and Kratie provinces, where two hydropower dams are planned on the mainstream of the river. These are expected to cause the largest impacts on fish production as compared with other dams planned on the mainstream of the Mekong River (ICEM 2010b: 103). The planned building of these dams created the situation where local authorities in these provinces were sensitive to any discussions by NGOs on the impacts of the hydropower dams.

Another key factor that created informal pressure by local authorities was associated with the profile of RCC's member NGOs, which was a mix of advocacy and development-focused NGOs. While attempting to ensure that development projects do not negatively impact on the rights and livelihoods of the communities they work with, many of development-focused NGOs find it essential to maintain positive relationships with government authorities, particularly the local authorities (C15 2012; C16 2012). This situation is not unique to the RCC member NGOs. According to

a survey conducted with 1409 CSOs (including 1010 local and 594 international organizations) in 2011, 39% of the respondent CSOs identified local authorities as primary stakeholders (Cooperation Committee for Cambodia 2012a: 47). It is interesting to note that the same survey illustrated that CSOs considered relationships with local authorities more important than those with central government (Cooperation Committee for Cambodia 2012a) (Cooperation Committee for Cambodia 2012a: 48). One of the interviewees commented that this may be due to the geographic location of NGOs, as Phnom Penh based NGOs tend to consider central government as an important stakeholder whereas local authorities are more important stakeholder for province based NGOs (C30 2012). The survey by the CCC indicates that while many CSOs are registered in Phnom Penh, each respondent CSOs operates on average in 3.7 provinces (Cooperation Committee for Cambodia 2012a: 44). Due to this importance of maintaining positive relationships with the local authorities, development-focused NGOs fear jeopardizing these relationships by engaging in advocacy work. These also wished to avoid being seen as NGOs opposed to government development initiatives (C16 2012; C15 2012). One of the interviewees indicated that most NGOs are not critical of the government; the exception is advocacy NGOs that are often supported by donors who expect them to be critical (C25 2012: 25). Advocacy NGOs are a minority in Cambodia, comprising approximately 7% of all NGOs in the country (Bañez-Ockelford 2010: 16). This factor provides an explanation of the caution displayed by some of the RCC member NGOs when engaging in local level advocacy work such as the collection of thumb prints (C15 2012; C16 2012; C12 2012; C13 2012).

The importance of maintaining positive relationships with the authorities is illustrated in the working arrangements between NGOs and government in Cambodia. Typically, advocacy-oriented NGOs and NGOs supporting human rights do not have official working arrangements beyond formal registration under the MoI (C35 2012). However, most NGOs working on development-oriented projects typically have either an MoU or a counterpart from the government institutions with the most relevant mandates or areas of responsibilities for the NGOs' projects (C35 2012; C30

2012). These arrangements are meant to facilitate the work of NGOs, particularly with the government. However, in reality the most important factor associated with this collaboration relates to sharing financial and human resources associated with projects implemented by NGOs (C35 2012; C30 2012). Having a government counterpart typically requires NGOs to provide financial incentives to a government officer, who in return allocates some of his or her working time to the project (C35 2012; C30 2012). One of the interviewees commented that having government counterparts inside the organization restricts the NGO's ability to be critical of the government (C30 2012). On the other hand, the MoU arrangement typically allows two institutions (NGOs and the government institution) to allocate project funding to the institutions, rather than to specific individuals (C35 2012; C30 2012). While Cambodian NGOs are designed to conduct their activities independently from the government, in reality, their activities are somewhat restricted through these formal arrangements.

Working for local NGOs has typically been considered to be a 'stepping stone' in their careers, particularly by young graduates from universities (C27 2012). Many Cambodian university graduates start as volunteers at local and international NGOs, then gradually move onto obtaining positions within NGOs. When they find a position at another organization with a better salary, they move onto the next step. Speaking against the government in Cambodia is associated with the risk of personal threat to many NGO staff members (C13 2012; C10 2012). Some of the RCC members faced personal threats through their anti-dam activities (C27 2012; R2 2012). In a recent case, an outspoken Cambodian activist Chut Wutty, who was investigating illegal logging associated with the dam construction in Koh Kong province, was suspected of having been killed by the military (Amnesty International 2012; Open Development 2012). For NGO staff members who happen to work on advocacy projects as part of their career trajectory, engaging in advocacy which opposes the government may not be worth the risk to their personal security (C28 2012). Therefore, many of them tend to take conservative positions towards government rather than counter the authorities, one of the reasons for 'fear' towards the authority.

As discussed in chapter 6 the Cambodian government's attempt to introduce the Law on Associations and Non-Governmental Organizations (LANGO) is considered to be one of the ways to restrict community movements and to prevent civil society from using its freedom of association, which is guaranteed in the Cambodian Constitution (Article 42 *Constitution of Cambodia* 1993; Amnesty International 2011; Cooperation Committee for Cambodia 2012b). According to the draft version of LANGO, if associations or NGOs do not register with the MoI or sign an memorandum they are not allowed to operate within Cambodia (Article 6 *LANGO (3rd Draft)* 2011). This may pose a challenge for community based organizations and small scale NGOs that may not have the capability and funds to arrange for the registration. The introduction of LANGO may be politically motivated by the CPP to maintain its political dominance. In order to sustain its political life it is important for the CPP to eliminate any movements which may threaten its power. A community movement could potentially be one of them as it could potentially threaten the CPP power, particularly in rural areas where the CPP has its strongest political support base (C21 2012). Intimidation of community activists exists already, as one of the RCC members based in a rural area indicated. When community members travel to Phnom Penh to attend a seminar or dialogue related to hydropower dams, they are at times stopped by police en route to Phnom Penh, or confined to their guesthouse by police upon reaching the capital (C14 2012). Supporting communities and advocating for their rights could also impact an NGO, as illustrated in the case where the MoI suspended the Cambodian NGO which was supporting poor families evicted by the government-led railway project (Peter 2012). These pressures through formal rules and informal practices contribute to the informal pressure for NGOs not to speak up against the government.

In summary, a combination of formal rules, informal rules and norms, actors, and physical and material conditions associated with the Mekong's hydropower dams, contributed to creating some of the RCC members' fears in raising certain issues (in this case, hydropower dams).

10.4.2 NGO-Community relationships

One of the factors which shaped the way both the Vietnamese and Cambodian coalitions worked with communities relates to their existing relationships with the stakeholders in the potentially affected areas.

In Cambodia the RCC member NGOs are based in various provincial towns along the Mekong River, and most of them have on-going field projects with communities in the area. When the RCC members conducted awareness raising events or provided information about the dam to the communities, these existing networks were used as a pathway of communication as well as a means of organizing events. The engagement of these development NGOs was relatively new. The original membership of the Se San Working Group (RCC's predecessor) was primarily composed of advocacy NGOs (such as 3SPN, NGO Forum, FACT). However, when the RCC expanded the geographic scope of its work to all dam issues throughout Cambodia, it also expanded its membership to NGOs based in different parts of Cambodia whose main goals were to improve livelihoods, education, and natural resources for rural Cambodians (The NGO Forum on Cambodia 2011a). Many of these NGOs joined the RCC as hydropower dams are one of the key development issues affecting the livelihoods of the communities to whom they provide services (C13 2012; C15 2012; C16 2012). The RCC member's close and on-going relationship with community members was one of the key factors allowing the RCC to conduct a variety of community awareness raising activities associated with the Xayaburi hydropower dam.

Another characteristic related to Cambodian NGOs is the fact that many of them do not have constituencies (C21 2012; Bañez-Ockelford 2010: 20). As discussed in chapter 6, most of the Cambodian NGOs emerged as a result of the sudden availability of international funding and the need to implement donor agendas after the Paris Peace Agreement was signed in 1991 (Un 2006: 242; Bañez-Ockelford 2010: 4). They did not appear as a result of a gradual emergence of social capital, nor the gradual scaling up of grassroots organizations (Un 2006: 242; Malena and Chhim 2009). According to one of the interviewees, even the NGO Forum did not allow community groups to be part of their network in the early days (C21 2012).

Some of the RCC member NGOs emerged through community movements such as FACT and 3SPN, and later institutionalized themselves as NGOs registered under the MoI (Fisheries Action Coalition Team 2012: 9; C6 2012b; 3S Rivers Protection Network 2013). However these constituency-based NGOs are a minority within the RCC network (The NGO Forum on Cambodia 2011a).

As a result, local communities are typically considered as beneficiaries of NGOs' work rather than as their constituencies. While most projects take a participatory approach in determining project activities, there are often certain objectives that NGOs need to achieve through commitment of deliverables to donors. A survey conducted in 2011 by CCC reflects this fact since more Civil Society Organizations identified donors as their primary stakeholders (65%) than their community beneficiaries (48%) (Cooperation Committee for Cambodia 2012a: 47). Donors tend to have a large influence on determining the strategic focus and directions of NGOs in Cambodia (Bañez-Ockelford 2010: 32). A traditional patron-client relationship is in some ways reflected in this current donor-NGO relationship in Cambodia (Bañez-Ockelford 2010: 32; C21 2012). This characteristic of Cambodian NGOs is also common to many of the RCC member NGOs, as many of the member NGOs indicated that they determine their activities associated with hydropower advocacy in consultation with their donors, rather than with community members (C9 2012b; C13 2012; C28 2012).

Figure 21 illustrates how the RCC's strategies in Cambodia were influenced by actors and interactions among actors. Two key factors associated with the actors had direct influence on the RCC's strategies. First of all, the RCC's members' characteristics in working closely with community members influenced its focus on working with community awareness raising. Secondly, the RCC members' close relationship with their donors in shaping the activities. In addition, two factors that affected NGO-donor relationships historically in Cambodia, may have affected the way the RCC developed its strategies with communities. One of them is the Paris Peace Agreement (1991), the formal rule which was signed to end the internal conflict in Cambodia created the situation where a large number of Cambodian NGOs mushroomed to implement donor agenda. Another one is

the Patron-client relationship, which is based on Cambodian traditional norm of patrimonialism that created the tendency for NGOs to follow donors' interests and agendas.

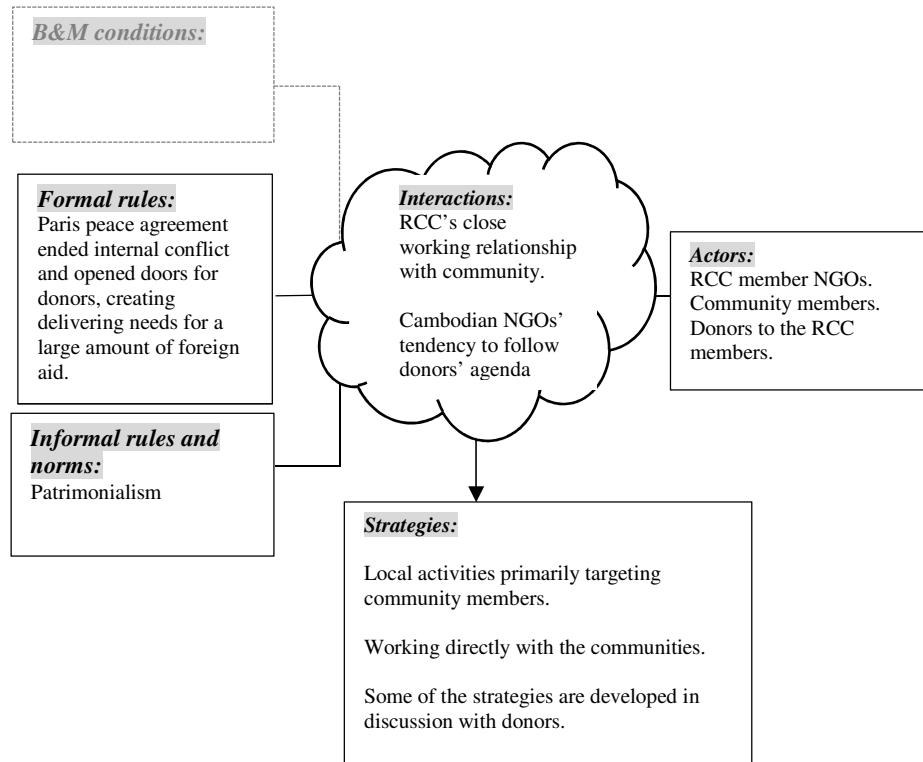


Figure 21: Influence of formal rules, informal rules and norms and actors on RCC's strategy targeting communities

In contrast to the RCC that had direct contacts with stakeholders in affected areas through the member NGOs' on-going relationship with communities, the VRN used two different pathways for its work with stakeholders in the Mekong Delta. One of them was through utilizing personal networks of the VRN members. The VRN members working at Can Tho University played a key role in organizing workshops with farmers within the Mekong Delta (V2 2012; V16 2012). They were said to have decades of collaboration and working relationships with the local farmers, which also worked to the advantage of the VRN's activity (V17 2012). One of the VRN members interviewed indicated that many of the provincial government staff graduated from Can Tho University, which allowed the VRN members to have a good working relationship with alumni working at

local government offices (V17 2012)

Another pathway was the use of existing organizations that are closely related to the states. The workshop targeting local government officials was organized through the Southwest Steering Committee, a regional coordination body of provinces within the Mekong Delta (V15 2012; V2 2012). The Committee is chaired by the Vice Minister and located directly under a political bureau within the Vietnam Communist Party (V15 2012). Being a politically important coordination body, the Southwest Steering committee was able to write a letter to the central government after the workshop, raising concerns about the Delta provinces (V16 2012; The Southwest Steering Committee 2011). The collaboration with the Southwest Steering Committee was possible as a member of ForWet, an NGO based in Ho Chi Minh City, knew someone from the Southwest Steering Committee (V15 2012; V16 2012). Here, again, the use of an existing network and its communication channels to the central government through local organizations was seen as important.

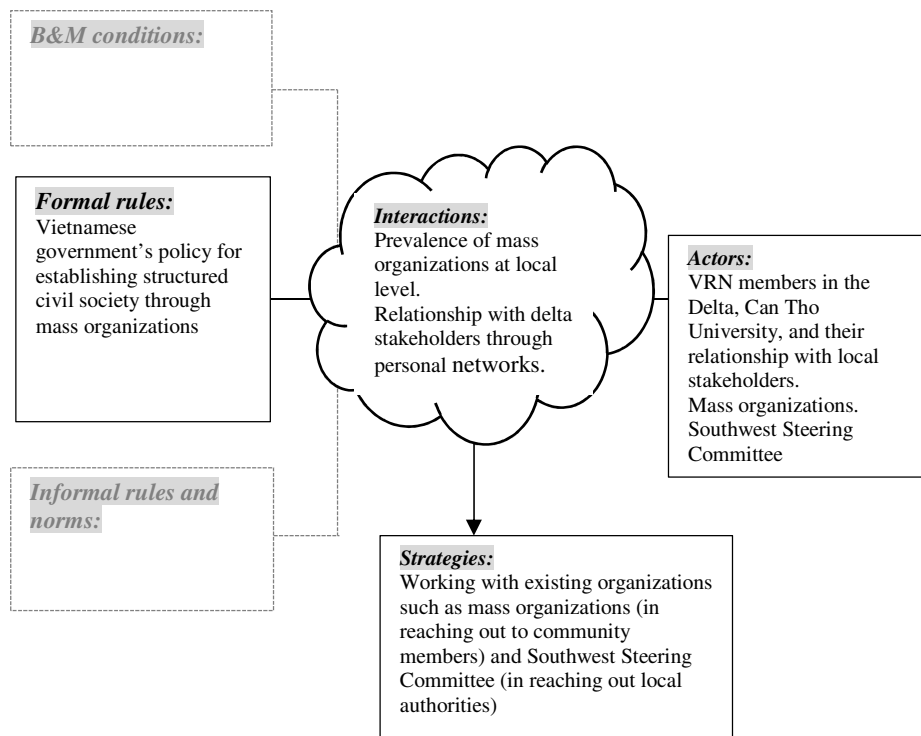


Figure 22: Influence of formal rules and actors on the VRN's strategy targeting local stakeholders.

Collaboration with farmers' unions was another way to invite farmers to the workshop (V16 2012). As discussed in chapter 5, farmers' unions are one of the mass organizations under the umbrella of the VFF (Norlund et al. 2006: 33). The unions have close linkages with the CPV (Viet Nam Farmers' Union undated). This means that in approaching communities the VRN worked with existing organizations closely linked with the State. In understanding the NGO-community relationship it is important to consider this relationship in the overall context of state-civil society relationships and the positioning of NGOs within this context. As discussed in chapter 5, in Vietnam, mass organizations have represented civil society since the 1930s and there were no other civil society organizations until Vietnamese NGOs emerged in the late 1980s (Norlund et al. 2006). When Vietnam opened its doors to a western market economy after the introduction of Doi Moi policy, some of the donors engaged with mass organizations in lieu of local NGOs in the western sense, due to the lack of existing local NGOs (Thayer 2008: 8). Compared to the mass organizations, VNGOs are relative newcomers at the local level in Vietnam and have not yet gained the same level of popularity and trust by the local population (Norlund et al. 2006: 111). One of the interviewees commented that due to this general lack of trust, community members may be more cautious with NGOs as opposed to government agencies (V12 2012). The way the VRN conducted local level activities in collaboration with farmers' unions reflects this reality in Vietnam.

Figure 22 illustrates the relationship between actors and the advocacy strategies of the VRN. The analysis shows that existing relationships among actors is one of the key factors which determined the strategies of the VRN. Another factor was the situation in which mass organizations were prevalent at the local level in Vietnam where the presence of VNGOs was limited. The prevalence of mass organization in Vietnam is a result of Vietnamese government policy in structuring civil society through government-lead mass organizations from 1950s (Sinh 2014: 43). This created the situation where VNGOs were newcomers in working with local stakeholder in Vietnam, and the VRN's collaboration

with mass organizations was necessary in order to reach local community members.

10.5 Chapter conclusion

This chapter conducted an analysis of how rules and norms influence the NGO strategies targeting stakeholders within areas potentially affected by the Xayaburi hydropower dam. The analyses found three key points which support an understanding of the influence of rules and norms.

First of all the analysis demonstrated that strategies were affected by actor's use of formal rules, informal rules and norms. As was clearly illustrated in the case of Cambodia, the formal political system of decentralization which was defined by formal rules has been manipulated through the use of informal rules and norms, namely neo-patrimonialism, in order to sustain the current government. This situation reflects competing relationships between formal rules and informal rules and norms, which aligns with the typologies of relationships suggested by Helmke and Levitsky (Helmke and Levitsky 2004). As discussed in chapter 2, Helmke and Levitsky (2004) suggest that where formal institutions are ineffective, the relationship is either substitutive or competing (Helmke and Levitsky 2004: 728). In Cambodia there is a competing relationship between formal rules, which guarantee freedom of expression, including the right to vote, and informal rules and norms which pressure people to behave in a certain way, namely, to vote for the CPP and to not say things against authorities. The existence of this competing relationship between formal rules and informal rules and norms also illustrates the fact that Cambodia is a legally plural landscape where competing forces of formal and informal rules exist (Gillespie 2011). As discussed by Helmke and Levitsky (2004), this relationship is determined by how actors adopt formal rules and informal rules and norms, which was reflected in the Cambodian situation.

Secondly, physical and material conditions, namely the hydropower investment plans of respective national governments, were important factors which interacted with actors, formal rules, informal rules and norms in determining the sensitivity in the face of authorities.

Finally, the networks and relationships among actors, particularly with local stakeholders, was another important factor which determined the way both NGO coalitions formulated their strategies. In case of Cambodia the relationship was established through member NGOs' on-going activities and relationships with communities. In case of Vietnam the relationship with local stakeholders was partly developed through the existing formal structures of mass organizations, and partly through the VRN member's relationships with stakeholders within the Mekong Delta.

Chapter 11: Strategies targeting the general public

11.1 Chapter introduction

Raising the awareness of the general public on issues is important in advocacy work since public opinion can potentially influence decision-making. In a democratic regime, in principle, citizens have the right to express their views about politics and political decision-making through their votes (Roskin et al. 2008; Dalton 2006: 201). Public opinion can influence the voting preferences of constituencies and this is an important concern for the politicians whose political lives are dependent on re-election (Dalton 2006: 206).

Public opinion can also create norms within societies which create common understandings of the importance of issues, and can facilitate the emergence, adoption and implementation of new policy and law (Brown et al. 2000: 20). NGOs often play critical roles in the norm development promotion process as norm entrepreneurs (Koh 1998). Norm entrepreneurs are the agents who actively build notions about what is appropriate or desirable behaviour in their communities (Finnemore and Sikkink 1998: 896). The way norms are framed and interpreted affects their acceptance by the society at large (Finnemore and Sikkink 1998: 897). Framing is also an important concept for the media as it creates a story line, providing meanings to events being communicated (Scheufele 1999: 106). The way stories are framed in the media can affect citizens' judgements over the issue being reported, thus affecting public opinion (Simon and Jerit 2007: 258).

Advocacy organizations adopt different strategies to raise public awareness on issues they advocate for. When they have direct access to the target audience, advocacy organizations can conduct awareness raising events such as training, community meetings, distributing materials using posters and leaflets (Gordon 2002: 43). When advocacy organizations do not have direct access to the target audience, they can use media such as radio, newspapers, television and internet to disseminate information (Gordon 2002: 43). Among all of the strategies which exist, the key strategy adopted by the case study coalitions for raising awareness among the general public (as opposed to stakeholders) over the Xayaburi dam was the

use of media. Therefore, this chapter examines the media strategy in detail and will analyse whether and how rules and norms shaped these strategies. The chapter first discusses the strategies adopted by both the VRN and the RCC; this discussion is followed by an analysis of how rule and norms influence these strategies.

11.2 Strategies adopted by the VRN

The VRN used media as a way to promote issues of the Xayaburi dam among the general Vietnamese public (V2 2012; V11 2012; V1 2012). Some of the interviewees commented that Vietnamese media play an important role in shaping the opinions of Vietnamese citizens (V11 2012; V9 2012). The interviewees also commented that Vietnamese citizen tend to listen to and trust most information issued by the media (V9 2012; V11 2012), despite the fact that what goes into the media is strictly restricted and monitored by the government (Wagstaff 2010; McKinley 2011: 94). This will be discussed later in this section. According to McKinley, Vietnamese newspapers have served as a tool for propaganda by the communist regime and people tend to unquestioningly believe what they read in newspapers (McKinley 2011: 95). This practice made newspapers an important means of guiding public opinion that influenced the government's media policy (McKinley 2011: 95). One of the interviewees commented that Vietnamese leaders listen to public opinion since they need to be seen as responsible and want to be re-elected (V11 2012). According to a study which examined the relationship between press freedom and confidence in governments globally, Vietnam, which has a low level of press freedom, had a high level of confidence in government (Norris and Inglehart 2010: 207). This indicates that formulating your story in the Vietnamese media should be an effective way to raise public interest and awareness. Therefore, targeting the media was a strategic entry point for the VRN in its efforts to raise public awareness of the Xayaburi dam. This potentially affects the opinions of the decision-makers who are concerned about public opinion (V11 2012).

The VRN members provided information on the Xayaburi dam directly to journalists through personal contacts as well as through media releases (V2 2012; V16 2012; V1 2012). The VRN was one of the most

important sources of information for journalists reporting on the Xayaburi dam, particularly as Vietnamese journalists have limited capacity and budget to conduct their own research and investigations on international issues (V9 2012; V19 2012). The VRN members also conducted workshops targeted at journalists. In addition to the two workshops conducted in Ho Chi Minh City targeting government officials, scientists and journalists (discussed in chapter 9) the VRN also conducted field trips for journalists to help them to understand issues related to the Mekong Delta (V10 2012). Two field trips were organized during the dry and wet seasons (V10 2012). The WARECOD, the main coordinator of the VRN until 2012, also produced several films which highlighted issues related to the Mekong Delta, available on the YouTube web site (V10 2012; Van 2011). In addition, the VRN Mekong task force members also wrote articles for the newspapers (V16 2011).

The VRN's efforts to engage journalists faced barriers at times as a result of political interference with the media. In the early stage of the Xayaburi PNPCA process, the Vietnamese government allowed the media to report freely about the Xayaburi dam (V9 2012; V19 2012). One of the interviewees commented that the government even encouraged the media to discuss hydropower construction on the Mekong (V9 2012). Shortly after the MRC Joint Committee meeting in April 2011 however, when the four member states could not reach consensus on the Xayaburi dam, journalists were told by the government not to write about the Xayaburi dam (V2 2012; V9 2012). This media embargo influenced the strategy of the VRN which used the media as one of the means of information dissemination on the Xayaburi dam (V2 2012). When there was the media embargo on the Xayaburi dam, the media was not able to publish information related to the Xayaburi dam even when the VRN members conducted related workshops or events and invited journalists, or submitted articles on the Xayaburi dam to the media for publication (V2 2012; V16 2012; V19 2012; V10 2012; V1 2012).

11.3 Strategies adopted by the RCC

A few Phnom Penh based RCC members indicated that they used the media as an advocacy tactic to address the general public (C3 2012; C5 2012b). The RCC's activities in raising public awareness through the use of media was conducted in a way that built on the existing programmes of the RCC members. The CEPA, one of the founding member organizations of the RCC, conducted regular radio programmes highlighting the Mekong and indigenous issues (C3 2011). During the PNPCA process of the Xayaburi dam the hydropower issue was discussed as part of this radio programme (C3 2011). The programme was broadcasted through the Women's Media FM 102, one of the few independent radio stations operating in Cambodia run by a Cambodian NGO (C35 2012; LICADHO 2008; Women's Media Centre of Cambodia 2012). The programme was broadcast six times per year and affected communities from large scale development projects were invited along with guest speakers from NGOs and the government (C3 2011). In the programme communities raised issues of concern, followed by comments by NGOs and the government on their respective roles. Finally, an independent analyst made comments, mostly academics from universities, and made recommendations to different stakeholders (C3 2011).

The RCC also conducted other media related activities, such as press releases (C5 2012b). Some of the RCC members also spoke about the Xayaburi dam on Cambodian TV programmes (Ath and Marks 2013). While the details of press releases and media coverage were not available from the RCC, one of the RCC members commented that 'we use the media to capture the issue, like climate change or hydropower issue, everything like that' (C5 2012b). In addition to using the media the RCC also conducted public forums as a way of raising public awareness. These included conducting the youth forum on Xayaburi, and the national conference on climate change, agriculture and energy (C3 2012; C5 2012b; The NGO Forum on Cambodia 2011b).

11.4 Comparative analysis

11.4.1 Media censorship

The analysis of the Vietnamese case revealed the existence of censorship of media by the authorities, while this was not specifically expressed by the interviewees in Cambodia. This was despite the fact that formal rules guarantee the freedom of expression in both countries (*Constitution of Vietnam* 2001; *Constitution of Cambodia* 1993). However, in reality, the media is censored in both contexts.

Why was there a media embargo on the Xayaburi dam in Vietnam? Many of the interviewees indicated that this was due to the fact that the Vietnamese government did not want to raise any tension with its counterpart in the Lao PDR (V19 2012; V9 2012; V2 2012). Politically Vietnam and Laos have had a ‘special relationship’ since the establishment of the communist regime in Laos (Thayer 1982: 245). The close relationship and collaboration between these two countries politically, economically and militarily has been formalized as the Lao-Vietnamese Treaty of Friendship and Co-operation (1977) (Thayer 1982: 253). However, in recent years there has been an increase in the influence of China over Laos (Fujimura 2010), an influence which competes with that of Vietnam, thus threatening this relationship (V9 2012). The Vietnamese government was particularly interested in maintaining its collaboration with Laos as there is increasing competition with China over the territorial disputes between China and Vietnam within the South China Sea (Thayer 2012; BBC News Asia 2013c; V9 2012; V19 2012). Interviewees commented that due to this sensitivity, Vietnam was very careful not to offend Laos publicly, thus resulting in the media embargo on the Xayaburi dam (V19 2012; V16 2012).

This political interference on media freedom in Vietnam illustrates the contradictory relationship among formal rules and informal rules and norms. The Vietnamese Constitution guarantees freedom of expression by Vietnamese citizens (Article 69 *Constitution of Vietnam* 2001; Rieu-Clarke and Allan 2008: 26). At the same time, the Constitution designates the State as responsible for promoting mass communication, and bans mass communications that are ‘detrimental to national interests, and destructive to the personality, morals and fine lifeway of the Vietnamese’ (Article 33

Constitution of Vietnam 2001). The Law on Media assures freedom of media and speech (Article 2), but at the same time, bans the media from reporting on issues which would incite people to rebel against the State and to disclose State secrets (Article 10) (*Law on Media. No. 12/1999/QH10 of 12 June 1999* 1999).

In reality the media struggles to exercise its freedom in Vietnam. Existing literature indicates that interventions on the content of publications, radio and television broadcasts by the Ministry of Culture and Information and the Communist Party's Department for Culture and Ideology are common practices in Vietnam (Kerkvliet 2001: 252; Matsumoto 1999: 126; Hayton 2010). This was echoed by the Vietnamese journalists interviewed by the author, who commented that the Ministry of Information and Communication and the Communist Party's Central Committee Commission on Popularization and Education conduct regular meetings with newspaper editors, informing them of what cannot be written in the Vietnamese press (V9 2012; V19 2012).

Editors-in-chief are held responsible if a newspaper violates the order or crosses the party-line which is deemed acceptable by the Vietnamese Communist Party (Matsumoto 1999: 126; V9 2012; V19 2012). They face the threat of legal prosecution as the penal code includes a vaguely worded terminology which prohibits the freedom of speech and journalism if it significantly infringes on the interests of the State (Article 258 *Penal Code, Vietnam* 1999; Freedom House 2011). The Law on Media specifically indicates that heads of media organizations and journalists would be punished when breaching the Article 10 of the Law on Media, which details matters not permitted to be reported in the media (Article 28 *Law on Media. No. 12/1999/QH10 of 12 June 1999* 1999). As an example, journalists who tried to expose a corruption scandal in 2006 by a Project Management Unit in the Ministry of Transport were arrested and charged with abuse of power (Thayer 2008: 18).

The analysis of the media activities conducted by the VRN illustrates the way formal rules, informal rules and norms, and actors mostly at the Vietnamese national level, interact with each other and influence the VRN's activities. This interaction is illustrated in Figure 23. Despite the existence of formal rules such as the Constitution and the Law on media

which guarantee freedom of expression, informal rules restricting what can be publicized and not publicized prevail. The informal rules are imposed on journalists by formal organizations such as the CPV and the Ministry of Information and Communication. The Penal code, a formal rule which restricts freedom of speech and press which infringe on the interest of the States (Article 258 *Penal Code, Vietnam 1999*), adds to this contradiction. These formal rules and informal rules exercised by actors put pressure on journalists, particularly on editors-in-chief, to highlight or restrict certain issues in the press. This informal pressure in the case of the Xayaburi dam was considered to be in place primarily due to the relationship between Vietnam, the Lao PDR and China.

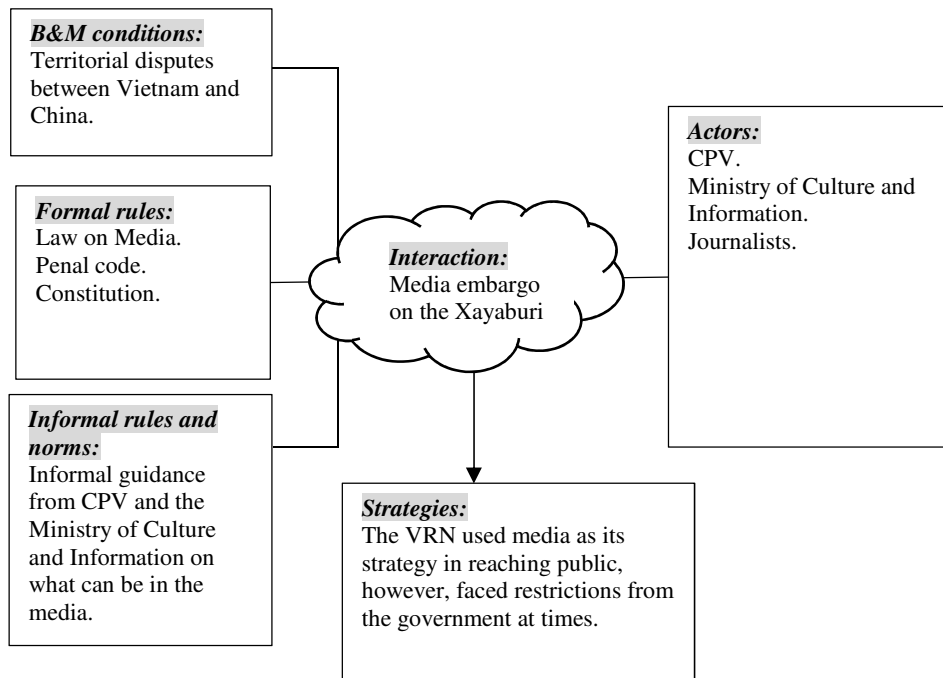


Figure 23: Influence of biophysical and material conditions, formal rules, informal rules and norms and actors on VRN's media strategy

In Cambodia, the RCC members did not particularly mention constraints in their activities associated with the use of media, and no clear linkages associating rules and norms and the RCC's media strategy was observed through this case study. However, literature and interviews revealed the general constraints that journalists face in Cambodia (C25 2012; Cambodia Center for Independent Media 2013; Samnang 2002). These include 'fear' of speaking up against authorities as discussed in chapter 7.

The Cambodian Constitution guarantees the freedom of the press (Article 41 *Constitution of Cambodia* 1993). However the Cambodian press is not in reality free (Freedom House 2012b). Television and radio are the main sources of information for many Cambodians as illiteracy is high particularly in the rural areas (C25 2012; Cambodia Center for Independent Media 2013). As a way to control information, all television stations and most radio stations are either owned or controlled by the ruling party (Freedom House 2012b; Un 2011: 552; Cambodia Center for Independent Media 2013). The few radio stations operating independently from the ruling party frequently face harassment and intimidation from the government (Un 2011: 552; C25 2012; Cambodia Center for Independent Media 2013: 10). Mam Sonando, who is the owner of Beehive Radio which is one of the independent radio stations, repeatedly faced charges by the government (LICADHO 2008: 38). At the time of author's field work (July 2012) he was arrested after broadcasting on a complaint lodged at the International Criminal Court accusing the Cambodian government of committing crimes against humanity in reference to forced evictions (Seiff and Sovuthy 2012: 1). He was later sentenced to 20 years in jail (BBC News Asia 2012). Physical attacks on journalists have decreased over time, however, threats aimed at journalists have shifted to the courtroom (C25 2012; Freedom House 2012b). Journalists who are critical of governments are often charged with defamation and disinformation (LICADHO 2010b: 25; C25 2012).

While the Law on the Press provides some safeguards for journalists, such as a ban on censorship and confidentiality of sources, it also has loopholes which allow charges against and convictions of journalists (Un 2011: 552; Article 3 *Law on the Press* 1995). Article 12 of the Law on the Press prohibits publishing any information which 'may affect national security and political stability' without giving a clear interpretation of what this means (Article 12 *Law on the Press* 1995). The Penal Code (2009), which became effective in 2010, criminalizes defamation and is often used to penalize journalists for criticizing high level government officials (Article 305-310 *Penal Code, Cambodia* 2009; Un 2011: 552; Freedom House 2012b; Article 10 *Law on the Press* 1995). These laws, in addition to the corrupt judiciary in Cambodia (Subedi 2011:

254), create threats for journalists, limiting the freedom of the press (Freedom House 2012a). These cases illustrate the interactions between formal rules and informal rules that result in creating ‘fear’ of the authorities.

The way the media is censored differs in each context. In Vietnam there is a clear direction given from the CPV on which issues can be discussed in the media or not (V9 2012; V19 2012). In Cambodia the line is not clear and journalists use their own judgement and risk assessment regarding what would be acceptable by the ruling party (C25 2012). Unlike the Vietnamese government which provides regular guidance on what should and should not be reported in the media, Cambodian journalists do not receive similar guidance from the Cambodian government (LICADHO 2008: 46). However, due to fear of physical threats and legal prosecution many journalists impose self-censorship (Cambodia Center for Independent Media 2013: 8; LICADHO 2008).

It is observed that this difference in the way censorship takes place is associated with the political system of each country. Vietnam is a socialist country which follows Marxism-Leninism thought in its nation’s foundation (Preamble *Constitution of Vietnam* 2001). The Soviet media theory, which derives from Marx and Engels, claims that in the socialist context the working class holds power in society and in order to keep power the means of ‘mental production’ needs to be controlled by the representatives of the working class, which is seen as the communist party (McQuail 1987: 118). This theory theoretically justifies censorship and punishment if the media are against the government (McQuail 1987: 119). The Constitution also clearly defines the state’s role in promoting the mass media and at the same time, controlling mass information which is detrimental to national interests (Article 33 *Constitution of Vietnam* 2001). On one hand, informal guidance from the state authorities on restriction of media contradicts the freedom of speech guaranteed by the Constitutions of both Cambodia and Vietnam. On the other hand, imposing restrictions on the press and other media is justified through a theoretical basis for media restriction in the socialist context, and associated laws support this restriction (*Constitution of Vietnam* 2001; McQuail 1987).

In contrast Cambodia’s political system is a democracy. The democratic-participant theory of the media lies in claims that the media

exists in order to satisfy the needs, interests and aspirations of an active receiver of information, and the organization and content of media should not be subject to political or state control (McQuail 1987: 122-123). While infringing on national security or other people's fame are used in Cambodia as a basis to pressure journalists, the Constitution guarantees the freedom of the press and does not provide a clear responsibility for the state to restrict mass media which infringes on national security (*Constitution of Cambodia* 1993). Compared to the Vietnamese Constitution which includes the state's responsibility in promoting and controlling the media, the Cambodian Constitution is written in a way which emphasizes the importance of protecting this right for its citizens as it indicates 'Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to effect the good traditions of the society, to violate public law and order and national security (Article 41 *Constitution of Cambodia* 1993).'

11.4.2 Access to media

The type of media used by each case coalition reflects differences in accessibility to media in each country. As ways of communication with the public the RCC engaged with radio and TV, whereas the VRN worked with newspapers, TV stations and radio (V1 2011; V2 2012; C3 2011; C5 2012b; Ath and Marks 2013). The types of media used reflect the public accessibility in each country. Newspaper circulations in Cambodia are limited mostly to Phnom Penh, reaching only 2% of the population (Cambodia Center for Independent Media 2013: 8). Radio and TV are the main sources of information for the wider population of Cambodia, and thus open to government censorship (C25 2012; Cambodia Center for Independent Media 2013). In Vietnam TV is the most popular media with approximately 90% of households owning TV sets (Wagstaff 2010: 108). However, newspapers are also widespread throughout Vietnam (V19 2012; V11 2012). As of 2010 there were 178 newspapers circulated in Vietnam; this number includes 76 national papers and 102 local papers (McKinley 2011: 95). This difference in newspaper circulation between two countries may also be the result of differences in literacy rates. Adult literacy rate in Cambodia was 77.6% in 2008 whereas in Vietnam it was 90% as of 2009

(United Nations Vietnam 2010; UNESCO Office in Phnom Penh undated). While social media is an emerging medium for mass communication, none of the interviewees particularly mentioned the use of new types of social media including facebook, twitter, web sites and blogs, except for the VRN which uploaded a video on changes in flooding patterns in the Mekong Delta on YouTube (V10 2012; Van 2011).

11.5 Chapter conclusion

This chapter examined the NGO coalition's advocacy strategies in targeting the general public, particularly through the use of the media, and analysed how rules and norms influenced these strategies. The main issue observed in this analysis was the fact that in both Cambodia and Vietnam freedom of expression and freedom of press are at times suppressed by the authorities through the use of both formal and informal rules. This situation indicates that formal rules and informal rules interacted in a way which created competing relationships. At times, one formal rule was used to counteract another formal rule, which also created competing relationships among formal rules. This interaction took place as a result of intervention by actors who are in positions to apply these rules.

The influence of these interactions on advocacy strategies was not observed in the case of the RCC. For the VRN, these influences were considered to be caused by the international relationships of China, Vietnam, and the Lao PDR. This situation indicated that actors' relationships counted as another important factor which affected the way actors applied formal rules, informal rules and norms.

Chapter 12 Conclusion

12.1 Chapter introduction

The thesis aimed at understanding the linkages between rules, norms and advocacy strategies of NGO coalitions, using the examples of coalitions in Vietnam and Cambodia. The research question posed in the thesis was: how do rules and norms influence the advocacy strategies of NGO coalitions?

In order to answer this research question the thesis developed an analytical framework based on the Institutional Analysis and Development (IAD) framework, developed by scholars of rational choice institutionalism (Ostrom 1999). Comparative case studies were conducted on Cambodian and Vietnamese NGO coalitions and their advocacy work associated with the Xayaburi hydropower dam on the Mekong River in Laos. By comparing two coalitions advocating over the same hydropower dam the comparative analysis highlighted how rules and norms influenced NGO strategies.

This chapter discusses key insights from the analysis of the case studies and provides answers to the research question. The chapter discusses this thesis' contribution to the body of knowledge on NGO strategies. The thesis concludes with recommendations for NGO and civil society actors, public decision-makers and international donors, aiming to enhance the role of NGO and civil society actors in the Mekong region. Recommendations are presented through an analysis of the opportunities and barriers facing NGO coalitions work.

12.2 Key insights from this thesis: answering the research question

Through the comparative analysis of how rules and norms influenced four types of strategies adopted by the RCC and the VRN, the recurring patterns of influence identified were through interactions, namely through the interactions among formal rules, informal rules and norms, actors, and biophysical and material conditions. Several types of interactions were observed; these are described in more detail below.

12.2.1 Complementary interactions

One type of interaction was complementary relationships between formal rules, and between formal rules, informal rules and norms. An example of a complementary relationship was the situation that shaped the VRN's strategies for using science. As discussed in chapter 6, the formal rules governing the establishment of Vietnamese NGOs provided a platform for NGOs to be closely connected with VUSTA (*Decree No. 35/HTBT 1992; Decree No. 81/2002/ND-CP 2002; Decree No. 88/2003/ND-CP 2003; Decree No.30/2012/ND-CP 2012; VUSTA Charter 2012*). Another formal rule, the Prime Minister's Decision 22/2002/QD-TTg, defines VUSTA's role in reviewing the Vietnamese government's decisions from a scientific perspective (*Decision No. 22/2002/QD-TTg 2002*). This mandate of VUSTA created an opportunity for the VRN to provide a contribution to VUSTA's scientific input to the government on the Xayaburi dam. This complimentary relationship between formal rules provided the VRN with an entry point for national decision-makers. In addition, the existence of the informal rules and norms in Vietnam which value science, interacted with these formal rules and created situations where the use of science was an effective tool in advocating with decision-makers.

12.2.2 Competing interactions

Another type of interaction was competing relationships between formal rules, as well as between formal rules, informal rules and norms. An example of this relationship was illustrated in chapter 11 which examined rules and norms associated with the media. In both Vietnam and Cambodia, formal rules which support media freedom exist (*Constitution of Vietnam 2001; Constitution of Cambodia 1993*). However, in reality, the media faces restrictions through informal rules. In Vietnam government agencies conduct regular meetings with editors-in-chief about what can and cannot be reported in the media (V9 2012; V19 2012). In Cambodia, most TV and radio stations are controlled by the ruling party (Cambodia Center for Independent Media 2013). A small number of stations run by opposition parties face harassment (Cambodia Center for Independent Media 2013; Freedom House 2012b; Un 2011). Competing relationships exist within formal rules that support the restriction of the media. In Cambodia, if

journalists are too critical of the government, they will be prosecuted for disinformation or defamation (C25 2012; LICADHO 2010b). In Vietnam, if the media does not follow the ‘party line’ then editors-in-chief could be prosecuted through the penal code and the media law based on infringement of interests of the state (Article 258 *Penal Code, Vietnam* 1999; Freedom House 2011; *Law on Media. No. 12/1999/QH10 of 12 June 1999* 1999). These examples of competing relationships indicate the ways that formal systems can be manipulated by the Cambodian and Vietnamese governments when they feel threatened. This situation, as a result, influences the strategies that NGOs can adopt.

What is observed in Cambodia is another example of competing interactions of formal rules, informal rules and norms. As discussed in chapter 10, many of the RCC’s activities targeting communities facing potential impacts from the Xayaburi dam received informal pressure not to speak up against the authorities (C5 2012b; C10 2012; C12 2012; C13 2012). This informal rule, which is a prevailing pressure within Cambodian society, contradicts freedom of expression, the right guaranteed to every Cambodian by the Constitution, one of the formal rules in Cambodia (*Constitution of Cambodia* 1993). The pressure is exerted by the ruling party, a formal organization which dominates the Cambodian political landscape. As discussed in detail in chapter 10, both local authorities and communities feel pressured to accept a status quo due to neo-patrimonialism, an informal way of working in Cambodia which builds on Cambodian traditional culture (Pak et al. 2007: 63). Traditional norms of ‘respect’ and ‘fear’ towards people who have gained a higher social status, and the Theravada Buddhism’s teaching which believes in Karma, each contribute to the situation where people are reticent to speak out against authorities (Öjendal and Sedara 2006; Rotha and Vannarith 2008: 7; Pak et al. 2007: 42). The political system created by formal rules which places importance on local level governance has created a situation where it is critical to win local level elections in order to sustain political life at the national level (Öjendal and Sedara 2006: 510). This situation motivates the ruling party to attempt winning Commune and Sangkat council elections through the use of neo-patrimonialism. The decentralized political system which was designed to encourage local participation effectively counteracts its very purpose

through competing interactions between formal rules, informal rules and norms. These interactions of various formal rules, informal rules and norms influenced the way the RCC could formulate their advocacy strategies.

12.2.3 Role of actors in interactions of rules and norms

These analyses also illustrated that in all the interactions, actors played important roles. This leads to the insight that interactions among rules and norms do not occur by themselves, but occur through actors' adoption and the use of rules and norms. The nature of interaction is therefore dependent on how actors interpret and implement rules and norms.

The analysis of competing relationships between formal rules, informal rules and norms leads us to consider the role of political power. The analysis highlights that even when formal rules exist to protect rights for civil society actors, the dominant actors can manipulate the application of the formal rules through use of informal rules in a way that enhances their political powers. Political power, in both Cambodia and Vietnam, is concentrated in one political party: The Communist Party of Vietnam (CPV) in the case of Vietnam, and the Cambodian People's Party (CPP) in the case of Cambodia. Informal rules, at times, are also used to supplement this open political power.

Actors also play roles in interpreting formal rules in certain ways and this in turn influences the strategies of the NGO coalitions. The PNPCA process of the Xayaburi hydropower dam illustrated the fact that ambiguities in the requirements of the 1995 Mekong Agreement and the PNPCA created the situation where the Lao PDR clearly considered the consultation process to be over and that legitimacy in moving forward with the Xayaburi dam was achieved, while Cambodia and Vietnam stressed the need for further studies before the construction could move ahead. As a result, the MRC member states were unable to confirm whether the PNPCA process was complete, the dam construction started without a clear agreement by the member states and public engagement and information disclosure was conducted only on a limited scale.

12.2.4 Interactions among actors

Another important factor which influenced advocacy strategies was the interaction among the actors themselves. This was observed in many of the cases. The analysis from chapter 8 illustrated that the VRN and the RCC's differences in interactions and relationships with the same regional coalition, the Save the Mekong Coalition, resulted in differences in the way that they formulated advocacies targeting regional decision-makers. Chapter 9 highlighted the importance of personal relationships, which was observed as an important tactic in approaching national decision-makers and which consisted of one of the important strategies adopted by the VRN.

The profiles and characteristics of actors were also considered as important factors. The fact some of the members of the VRN Mekong task force were former high ranking officials from the Vietnamese government agencies supported the VRN's interactions and relationships with government officials, facilitating its strategy of direct input. In Cambodia the existing relationships between the RCC member NGOs and communities facilitated a wide range of activities which they undertook in order to engage local level stakeholders.

Resource dependence was another important factors which determined actors' relationships and interactions. The relationship between the donor and the NGO networks (discussed in chapter 10) and relationships between the case study NGO networks and the regional STM Coalition (discussed in chapter 8) are some cases representing resource dependence nature of the relationship.

12.2.5 Biophysical and material conditions

Biophysical and material conditions played roles in determining actor's relationships and attitudes towards advocacy targets and issues. In both Cambodia and Vietnam, national government's plans for hydropower dams were important factors that affected the sensitivity of raising the issue with authorities. For Vietnam, sensitivity was created through international relationships among states, namely between China, the Lao PDR and Vietnam. This became a sensitive issue due to factors such as territorial disputes among the states.

As discussed in chapter 2, rivers have the nature of common pool resources, where subtractability⁹ of use is high and it is difficult to exclude potential beneficiaries. Therefore, when negotiating over hydropower dams on a single river basin, state actors who have vested interests in building these hydropower dams would naturally need to take into consideration the potential use and its implication by other states. The case study highlighted the importance of taking into consideration the nature of such resources.

12.3 Contribution to the body of knowledge

This thesis contributes to the existing body of knowledge in four different ways. First of all, the study builds onto and advances existing studies of formal and informal institutions. As discussed in chapter 2, Helmke and Levitsky (2004) develop 4 typologies of relationships between formal and informal institutions. This thesis' analysis builds onto this typology by identifying the nature of interactions between formal rules, informal rules and norms (Helmke and Levitsky 2004: 728). The thesis advances the knowledge provided by existing studies as it further analyses how the interactions of formal rules, informal rules and norms influence the advocacy strategies of NGO coalitions. This is an area identified by Helmke and Levitsky (2004) as in need of further study and this thesis provides insights into 'how informal rules shape formal institutional outcomes' (Helmke and Levitsky 2004: 734).

Secondly, this thesis advances the study of NGOs, particularly in increasing an understanding of the factors influencing NGOs. While some of the existing studies provide insights into how rules and norms influence NGOs' behaviours (Doh and Guay 2006; Ho and Edmonds 2008; Bryant 2001; Brinkerhoff 1999) these studies do not address issues of the influence on NGOs' behaviour of the interactions between formal rules, informal rules and norms. In addition, the review of the literature discussed in chapter 2 identified a gap in studies which analyse how rules and norms at different scales, including international, national, local and within NGO network levels influence NGOs. This thesis examined how rules and norms at the

⁹ For discussion of subtractability, refer to description provided in chapter 2 and Table 4 explaining four types of goods.

Mekong regional level, national levels, local levels and NGO coalition levels affected the advocacy strategies of the NGO coalitions.

Thirdly, the thesis advances current studies of NGOs in the Mekong region. Many studies of NGOs and civil society in the region have focussed on Thailand (Lertchoosakul 2003; Kanokrat and Ungpakorn 2003; Foran 2006). Comparative analyses of NGOs operating within Cambodia and Vietnam are limited. A recently published study (Waibel et al 2014) which compiles studies of civil society in Cambodia and Vietnam examines differences in state-society relationships, analyses of political space and tendencies in civil society activities which emerge from political and cultural contexts (Waibel, Ehlert, and Feuer 2014). While these existing studies focus on understanding civil society tactics, this thesis provides additional knowledge by comparing the influence of rules and norms on NGOs in a comparison of Cambodia and Vietnam. The thesis compares the strategies of two NGO coalitions working towards the same advocacy target in two different contexts.

Finally and most importantly, this thesis developed an analytical framework for analysing the influence of rules and norms on NGO strategies and tested the framework by applying it through the analysis of NGO coalitions in Cambodia and Vietnam. As discussed in chapter 3, the framework was developed as a modification of the IAD framework. The empirical analysis using the analytical framework suggested that this modification was a useful advancement for analysing the influence of rules and norms in two ways.

First of all, the earlier section of this chapter discussed that key findings from this thesis were that influence occurs through the interactions of different factors, namely formal rules, informal rules and norms, biophysical and material conditions and actors. The empirical findings of this research indicated that this interaction occurs in different ways and in combinations of different factors. Compared to the IAD framework which involves a one way explanatory direction (i.e. how rules influence actors behaviours), the analytical framework developed for this thesis allows the analysis of interactions in different directions (i.e. how rules influence actors and vice versa).

Secondly, the IAD framework does not distinguish between formal rules and informal rules and norms. Within the IAD framework all the rules are integrated into one factor called 'rules-in-use'. While Ostrom develops a classification of rules which affect actors' behaviour (Ostrom 2005: 186) she does not specifically distinguish between the formal and informal nature of the rules. Focusing on the delineation between formal rules and informal rules and norms is useful as it provides a research angle of interaction between these two types of rules; one which has clear pathways for modification (formal rules) and the other which doesn't (informal rules and norms).

The analytical framework also has practical use for NGOs operating within a variety of social contexts. While identification of informal rules and norms is often more challenging than that of formal rules (Helmke and Levitsky 2004: 733) it is important and useful for NGOs to have access to an analytical tool for the identification of the factors influencing them. Application of the results from academic studies to a real-life operational context is often a challenge. However, the simple analytical framework provided through this thesis could further facilitate the work of NGOs and civil society actors, particularly those operating in societies with complex set of rules and norms.

12.4 Barriers and opportunities

This thesis reviewed how rules and norms influence the advocacy strategies of NGO coalitions through a comparative analysis of the advocacy strategies of the RCC and the VRN concerning the Xayaburi hydropower dam. The study provided insights into how different types of rules and norms interacted and were adopted and utilized by actors, and how these affected the two NGO coalitions in their strategy development. The study identified several barriers and opportunities that NGO and civil society actors face within the context of the Mekong.

Barriers were identified at local, national and regional levels. In both the Cambodian and Vietnamese contexts contradictory relationships between formal rules and informal rules and norms created barriers to implementing some of the strategies of the case study NGO coalitions. The

strategies affected by these contradictions included the use of media and awareness raising activities with communities. In both of the activities the influence of informal rules and norms was stronger than that of formal rules, thus creating a competing relationship. While formal rules typically have formal pathways to modify them, informal rules and norms usually do not have formal ways of modification, thus they are harder to change (Williamson 2000: 579). NGO coalitions working in this context therefore had to find a way to minimize the negative impacts of the influence of informal rules and norms. When informal rules are exercised by powerful individuals or organizations within a society, it is often difficult to avoid this impact.

The close relationship between the state and NGOs in Vietnam could at times create a situation where it was difficult for the NGOs to be critical of the government. This was illustrated by one of the comments from an interviewee who noted that during a workshop which the VRN organized with VUSTA on the Xayaburi hydropower dam, guest speakers were allowed to discuss dams on the mainstream of the Mekong, but not on the tributaries (R8 2012). This is associated with the fact that while Vietnam is critical of impacts from the Xayaburi dam, it has, at the same time, already built several dams on the tributaries of the Mekong which have impacted downstream communities, and continues to build more dams on other tributaries of the Mekong.

Another barrier faced by both of the case NGO coalitions, as well as other NGOs working within the region, was the lack of pathways to engage and influence decision-making over development issues associated with an international river. Integration of some of the existing international rules and norms by the MRC member states could provide opportunities for NGO and civil society actors to enhance their roles in the governance of the Mekong River. For instance, the Aarhus Convention allows the public to ‘participate in decision-making and to have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile, and in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities’ (Article 3 (9) *Aarhus Convention* 1998). A similar provision is available in the 1997 UN Watercourses Convention Article 32 which indicates that the watercourse

state shall provide access to judicial or other procedures, and the right to claim compensation or other relief for individuals or organizations who suffer or may potentially suffer significant trans boundary harm as a result of activities related to an international watercourse (Article 32 *UN Watercourses Convention* 1997). Article 2 of the Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention) requires the contracting state to establish a procedure permitting public participation in transboundary environmental impact assessment (*Espoo Convention* 1991). Referring to international norms associated with the human right to water, the United Nations Committee on Economic and Social and Cultural Rights (ESCR) suggests that ‘The right of individuals and groups to participate in decision-making process that may affect their exercise of the right to water must be an integral part of any policy, programme, or strategy concerning water’ (Para 48 United Nations Economic and Social Council 2003; Cullet and Gowlland-Gualtieri 2005: 311). Specifically associated with development of dams, the World Commission on Dams made a statement that Free Prior and Informed Consent (FPIC) principles should guide the building of dams which may affect indigenous people and ethnic minorities (Tamang 2005: 3; Cullet and Gowlland-Gualtieri 2005: 310).

The case studies also identified areas of opportunities in enhancing the advocacy strategies of NGO coalitions within national domains. For example, the collaboration between the VRN and VUSTA was enhanced through formal rules which defined their relationships. The strategy to use science targeted at national decision-makers was also possible through complementary interaction between formal rules, informal rules and norms, actors and biophysical and material conditions. In Cambodia, an opportunity for collaboration with the government was created through the PNPCA process, a formal rule within the MRC member countries.

These windows of opportunities could be examined in future studies through analyses of the interactions of the key elements of the analytical framework developed for this thesis including: formal rules, informal rules and norms, actors, and biophysical and material conditions. While situations associated with actors’ positions can shift over time, the use of the analytical

framework presented in this thesis could provide a useful tool for NGO actors who need to develop advocacy strategies.

12.5 Suggested areas of future studies

Conclusions and findings from this thesis lead us to consider possible areas for future studies which could build onto findings from this thesis.

One of the potential areas is to analyse the influence of rules and norms on the strategies of NGOs and civil society actors operating in other geographic areas. This thesis compared case studies of NGO coalitions in Cambodia and Vietnam only. Additional studies reviewing NGOs and civil society actors operating in other countries within the Mekong River Basin, as well as actors operating across the whole basin scale, would provide insights into how various rules and norms influence different types of NGO and civil society actors within the region. Such a study would have both academic and practical benefit. Academically, it could be an opportunity to test the applicability of the analytical framework at the multi-national scale. It could also contribute to the body of knowledge in NGO studies within the Mekong region. Practically, such studies could provide a basis for suggesting improvements in the formal rules existing within the Mekong River Basin, that would further enhance the role of NGOs and civil society actors in the governance of transboundary rivers. Similar studies adopting the approach and analytical framework used in this thesis, to other river basins could also advance both the academic and practical merits of this thesis.

Another suggested area of future study is to conduct deeper analyses into specific aspects from the findings of this thesis. One such study could involve understanding the long term implications of the interactions between rules, norms and actors. This aspect is reflective of feedback arrow connecting ‘outcome’ and ‘exogenous variables’ which existed in the original IAD framework.¹⁰ As discussed in chapter 3, this aspect was beyond the scope of this thesis and thus excluded from the analytical

¹⁰ The original IAD framework is discussed in chapter 2 and illustrated as Figure 3.

framework adopted here. However, additional studies that consider the long-term implications of interactions among rules, norms, actors, and the resultant strategies adopted by NGO actors, may reveal the mechanism of how rules and norms may change as a result of these interactions. Further elaboration of the feedback arrow from strategies to rules and norms illustrated in this thesis's analytical framework may benefit in understanding such long-term implications.

Following up on the finding of the importance of interactions among actors (as discussed in section 12.2.4), if there is a possibility to conduct long term research on how rules and norms influence NGOs, the research would benefit from reflecting on key aspects of the advocacy coalition framework proposed by Sabatier and Jenkins-Smith (Sabatier and Jenkins-Smith 1999). As discussed in chapter 2, the advocacy coalition framework is used to examine the process and development of advocacy coalitions that consist of people from governmental and private organizations who share a set of normative beliefs and engage in a certain level of coordinated activities over time (Sabatier and Jenkins-Smith 1999: 120). In relation to the case study coalitions of this thesis, the VRN in particular, has the characteristic of an advocacy coalition as its members include both NGO members and individual members from a wide variety of affiliations, including government. The advocacy coalition framework provides a hypothesis that allies and opponents of coalitions tend to be rather stable over a decade (Sabatier and Jenkins-Smith 1999: 124). Therefore, understanding the dynamics of relationships among actors within coalitions preferably needs to be examined over a decade or longer.

Another key finding which could benefit from follow-up research is the role of actors in determining the type of interaction between formal and informal rules and norms. As discussed in section 12.2.3, this aspect is reflective of the role of political power. Further analysis of how power dynamics could determine the interaction among rules, norms and actors, could benefit from existing studies of power, such as Lukes (2005) who provides three dimensions of power, and Gaventa (2005) who proposes use of 'power cube' in order to analyse dynamics of civil society participation and engagement (Gaventa 2005; Lukes 2005).

Conducting further analysis, along with the result of this thesis, is

expected to bring an advancement of role of civil society actors in the governance of transboundary water.

Annex 1: Indicative questions

A. Indicative questions for NGO coalition members

A1. What were the activities you have taken as part of your NGO coalition, during the PNPCA process of the Xayaburi hydropower dam?

A2. Are there any activities you have taken by your own NGO (as opposed to part of a coalition)? Why?

A3. How did existing organizations affect your decision to take the action in the way you conducted?

- Organizations at Mekong regional level (i.e. MRC, regional and international NGOs/networks, donor)
- Organizations at National level:
- Member NGOs of the NGO coalition (i.e. character of member NGOs, finance)

A4. How did existing law and policy affect your decision to take action?

- Law and policy at regional level
- Law and policy at national level
- Regulations at NGO coalition level

A5. How did social norms and culture affect your decision to take the action in the way you took?

- Regional culture: Mekong spirit/ ASEAN way
- National: National political culture
- NGO coalition: culture and norms adopted among NGO coalition members

A6. How did you get involved in taking part in the VRN and the RCC activities?

A7. Who did you try to influence? Was it National Mekong Committee? National Assembly? Individual politicians? Or Ministries? How did you do? Why?

A8. Other basic information about the NGO coalition

- History of the coalition (when and how it was established)
- Key members of NGOs. Their characteristics
- Chronology of activities during Xayaburi PNPCA
- Funding sources
- Other activities

B. Indicative questions to national government/MRC staff

B1. What is your observation about NGO coalition's work during Xayaburi PNPCA process? How did they approach you?

B2. How did you work with NGOs/how did NGOs try to work with you? Which NGOs did you deal with most during PNPCA? Why?

B3. From your point of view, how do you think NGOs have contributed to the policy discussion on Xayaburi hydropower dam?

i.e.) Norm entrepreneur/ partner to implementation/ intelligence provider/ watchdog for compliance/ bottom-up broker

B4. From your point of view, what factors are affecting the way NGO coalitions determine their actions?

- Try to identify: Actors, formal rules, informal rules and norms at different levels including the Mekong regional, national, local and NGO levels.

B5. How was public consultation conducted? How did you determine the stakeholder, method of consultation? Did NGO play a role in this consultation? Did you follow any guidelines (i.e. MRC public participation policy)

B6. Did NGOs play a role in supporting you at some point? If so which NGOs and which approach?

C. Indicative questions for members of other NGOs in Cambodia/Vietnam, organizations supporting/regulating NGOs.

C1. What factors do you consider most important when deciding your NGO's activities?

C2. Is there anything you might do differently if you were operating in another country?

C3. What are the constraints that NGOs face in your operational context (Cambodia or Vietnam)? What are the key considerations when determining the operation?

C4. If you are familiar with activities of the RCC (in case of Cambodia) or the VRN (in case of Vietnam), is there anything which they have done that you think was affected by the way things are done in their context? If so what are the key factors?

C5. How do existing law and policy affect NGOs? How do informal rules and norms affect NGOs?

D. Indicative questions for other key informants in the region

D1. What is your observation regarding the way NGO coalitions acted in Cambodia and Vietnam during Xayaburi PNPCA process?

D2. What factors do you think is influencing their activities/action?

D3. If you are familiar with NGOs' working contexts in Cambodia and Vietnam, what do you think are opportunities and constraints for them?

D4. What is the State-NGO relationship?

D5. Maybe some difference from international NGO perspective, and local NGO perspective

E. Other things to find out during the interview (depending on interviewee)

- Politics of NGO coalition – Dynamics, Relationship between members
- Who is influencing who?
- Role of charismatic individuals
- Politics and power
 - How is it designed?
 - What is the reality?
 - Historical perspective
 - Historical/political perspective of hydropower dam development
 - NGO's use of political space
- Role and use of media
- Role of science in decision-making
- Relationship with Vietnamese and Cambodian NGOs. Historical tension and feelings between countries.
- Influence of Thai and other international NGOs in the region.

Annex 2: Participant information sheet¹¹*PARTICIPANT INFORMATION SHEET***NGO COALITIONS ALONG THE MEKONG RIVER: A COMPARATIVE ANALYSIS OF INSTITUTIONAL INFLUENCE ON NGO COALITIONS IN CAMBODIA AND VIETNAM.*****INVITATION TO TAKE PART IN A RESEARCH STUDY***

You are being asked to take part in an interview for a research study, which comprises part of Yumiko Yasuda's PhD thesis. Yumiko is currently a PhD candidate at the IHP-HELP Centre for Water Law, Policy and Science (under auspicious of UNESCO) at the University of Dundee, Scotland, United Kingdom. This PhD thesis is supervised by Professor Geoffrey Gooch and Dr. Alistair Rieu-Clarke.

PURPOSE OF THE RESEARCH STUDY

The purpose of Yumiko's PhD research is to understand how activities of Nongovernmental organizations (NGOs) and their coalitions in the Mekong region are affected by social institutions such as law, policy, organizations, culture and social norms. Through understanding the influence of these social institutions, this research aims to identify the opportunities and barriers NGOs and the civil society sector face in the Mekong region.

Prior to joining the PhD programme, Yumiko worked in the Mekong region, engaging herself in various environmental projects with NGOs and the civil society sector. This PhD research builds on Yumiko's previous experience in the region, and through her study, she aims to provide recommendations for enhancing opportunities for the NGOs and the civil society sector in the Mekong region. At the end of Yumiko's PhD research, participants will be provided with a summary result from the study.

TIME COMMITMENT

You are being asked to participate in this study as an interviewee. The interview requires approximately 45 minutes to 1 hour, however, the time can be adjusted

¹¹ This information was provided to all the interviewees prior to the interviews.

depending on your availability. You may be contacted by Yumiko for additional information after the interview.

TERMINATION OF PARTICIPATION

You may decide to stop being a part of the research study at any time without explanation.

RISKS

There are no known risks for you in this study.

COST, REIMBURSEMENT AND COMPENSATION

Your participation in this study is voluntary. Upon completion of the PhD thesis, you will be provided with the summary of the key findings from this study.

CONFIDENTIALITY/ANONYMITY

Given your permission, the interview will be recorded digitally, or interview notes will be taken. Neither the recordings nor the interview notes will contain any personal information about you. Your interview may be anonymously cited in Yumiko's PhD thesis and other associated publications. The recordings and interview notes will be stored anonymously, and no one will link the data you have provided to your identity and name.

FOR FURTHER INFORMATION ABOUT THIS RESEARCH STUDY

Yumiko will be glad to answer your questions about this study at any time. You can contact her at the following:

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The University Research Ethics Committee of the University of Dundee has reviewed and approved this research study.

Annex 3: List of interviews and meetings observed

List of interviews: Cambodia

Interview number	Type of interviewee	Date of interview
C1	RCC member	24 th July 2012
C2	Non-RCC member informant (NGO)	24 th July 2012
C3	RCC member	21 st November 2011, 25 th July 2012
C4	Non-RCC member informant (NGO)	25 th July 2012
C5	RCC member	21 st November 2011, 25 th July 2012
C6	RCC member	26 th July 2012
C7	Non-RCC member informant	27 th July 2012
C8	Non-RCC member informant (NGO)	27 th July 2012
C9	RCC member	27 th July 2012
C10	Non-RCC member informant (NGO)	28 th July 2012
C11	Non-RCC member informant (NGO)	28 th July 2012
C12	RCC member	30 th July 2012
C13	RCC member	31 st July 2012
C14	RCC member	1 st August 2012
C15	RCC member	1 st August 2012
C16	RCC member	2 nd August 2012
C17	Non-RCC member informant (community)	2 nd August 2012
C18	RCC member	3 rd August 2012
C19	RCC member	3 rd August 2012
C20	Non-RCC member informant (community)	4 th August 2012
C21	RCC member	7 th August 2012
C22	RCC member	7 th August 2012
C23	RCC member	8 th August 2012
C24	Non-RCC member informant (government)	8 th August 2012
C25	Non-RCC member informant (journalist)	8 th August 2012
C26	Non-RCC member informant (government)	9 th August 2012
C27	Non-RCC member informant (donor)	9 th August 2012
C28	Former RCC member	10 th August 2012
C29	Non-RCC member informant (government)	20 th November 2011, 10 th August 2012
C30	Non-RCC member informant (NGO)	12 th August 2012
C31	Non-RCC member informant (community)	13 th August 2012
C32	Non-RCC member informant	16 th August 2012

	(government)	
C33	Non-RCC member informant (former government)	16 th August 2012
C34	Non-RCC member informant (government)	16 th August 2012
C35	Former RCC member (a series of informal conversations)	September-October 2012

List of interviews: Vietnam

Interview number	Type of interviewee	Date of interview
V1	VRN member	10 th November 2011, 9 th July 2012
V2	VRN member	23 rd November 2011, 10 th July 2012
V3	Non-VRN member informant (NGO)	10 th July 2012
V4	Non-VRN member informant (NGO)	11 th July 2012
V5	VRN member	11 th July 2012
V6	Non-VRN member informant (government)	12 th July 2012
V7	Non-VRN member informant	11 th July 2012
V8	Non-VRN member informant (NGO)	13 th July 2012
V9	Non-VRN member informant (journalist)	13 th July 2012
V10	VRN member	14 th July 2012
V11	VRN member	14 th July 2012
V12	VRN member	15 th July 2012
V13	VRN member	16 th July 2012
V14	VRN member	16 th July 2012
V15	Non-VRN member informant (NGO)	18 th July 2012
V16	VRN member	23 rd November 2011, 19 th July 2012
V17	VRN member	19 th July 2012
V18	Non-VRN member	14 th August 2012
V19	Non-VRN member (journalist)	14 th August 2012
V20	Non-VRN member (NGO)	1 st December 2011
V21	Non-VRN member	14 th November 2011
V22	Non-VRN member	11 November 2011
V23	VRN member	e-mail communication February 2012
V24	Non-VRN member (government)	10 th July 2013
V25	VRN member	19 th July 2012
V26	VRN member	10 th July 2012

List of interviews: Regional

Interview number	Type of interviewee	Date of interview
R1	Informant from NGO	23 rd June 2012
R2	Informant from NGO	16 th November 2011, 30 th June 2012
R3	Informant from a university	17 th November 2011, 30 th June 2012
R4	Informant from inter-governmental organization	4 th July 2012
R5	Informant from inter-governmental organization	4 th July 2012
R6	Informant from inter-governmental organization	4 th July 2012
R7	Informant from a donor agency	6 th July 2012
R8	Informant from NGO	14 th August 2012
R9	Informant from NGO	18 th August 2012
R10	Informant from NGO	16 th November 2011
R11	Informant from research institute	21 st February 2013

Workshops and meetings observed

Date of event	Type of workshops/meetings
22 nd November 2011	Training workshop on Coastal Geomorphology and Sediment Transit. Organized by the VRN and WWF. Ho Chi Minh City, Vietnam.
23 rd November 2011	Xayaburi hydropower project- gains and losses for the Mekong River Basin. Organized by VUSTA and the VRN.
24 th November 2011	Presentation and discussion: Snapshot of Civil Society in Vietnam. Organized by People's Participation Working Group. Hanoi, Vietnam.
1 st -2 nd December 2011	First Mekong Resources Forum. Water Resources and Sustainable Development: Perspectives from Laos and Vietnam. Organized by Pan Nature. Hanoi, Vietnam.
29th June-2 nd July 2012	Mekong Legal Network 4 th Regional Meeting. Chiang Mai, Thailand.
20 th -21st July 2012	10 th Wetland training course. Organized by the University network for wetland research and trainings in the Mekong region. An Giang University, Vietnam.
14 th August 2012	Seminar: Mekong and the hydropower dam. Organized by VUSTA and the VRN. Ho Chi Minh City, Vietnam.
16-17 th August 2012	RCC network meeting. Phnom Penh, Cambodia.

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